

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ERNEST W. HINSON, JR.,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CIVIL NUMBER:

3:18-cv-00870-BRM-LHG

TRIAL (VOLUME I)

Pages 1 - 159

Frank R. Lautenberg
United States Post Office and Courthouse
2 Federal Square 07101
Tuesday, October 29, 2019
Commencing at 9:30 a.m.

B E F O R E:

THE HONORABLE BRIAN R. MARTINOTTI,
UNITED STATES DISTRICT JUDGE

Megan McKay-Soule, RMR, CRR
Official Court Reporter
megansoule430@gmail.com
(215) 779-6437

Proceedings recorded by mechanical stenography; transcript
produced by computer-aided transcription.

1 **A P P E A R A N C E S:**

2 FRIEDMAN, JAMES & BUCHSBAUM LLP
3 BY: BERNARD D. FRIEDMAN, ESQUIRE
4 BY: ANDREW V. BUCHSBAUM, ESQUIRE
5 21 Kilmer Drive, Building 2, Suite G
6 Morganville, New Jersey 07751
7 (212) 233-9385
8 bfriedman@friedmanjames.com
9 abuchsbaum@friedmanjames.com
10 For the Plaintiff

11 UNITED STATES DEPARTMENT OF JUSTICE
12 BY: JOSHUA HUNT JOSEPH, ESQUIRE
13 THOMAS MACKINNON BROWN, ESQUIRE
14 175 North Street, NE, 8th Floor
15 Washington, DC 20002
16 (202) 460-6577
17 joshua.h.joseph@usdoj.gov
18 For the Defendant

19 **A L S O P R E S E N T:**

20 Ernest W. Hinson, Jr., Plaintiff
21 Olive Eisdorfer, Paralegal, USDOJ
22 Trina F. Crosby, Paralegal, USDOJ
23
24
25

I N D E X

EXAMINATIONS PAGE

ERNEST W. HINSON, JR.	5
DIRECT EXAMINATION BY MR. BUCHSBAUM	6
CROSS-EXAMINATION BY MR. JOSEPH	58
KENNETH FISHER	79
DIRECT EXAMINATION BY MR. BUCHSBAUM	79
CROSS-EXAMINATION BY MR. BROWN	106
REDIRECT EXAMINATION BY MR. BUCHSBAUM	136

E X H I B I T S

Exhibit No. Description Page

Plaintiff's Exhibit 20	8
Plaintiff's Exhibit 34	26
Plaintiff's Exhibit 27	26
Plaintiff's Exhibit 20	27
Defendant's Exhibit 1	27
Plaintiff's Exhibit 2	30
Plaintiff's Exhibit 4	35
Plaintiff's Exhibit 12	39
Plaintiff's Exhibit 13	39
Plaintiff's Exhibit 7	40
Plaintiff's Exhibit 8	41
Plaintiff's Exhibit 15	41
Plaintiff's Exhibit 16	42
Plaintiff's Exhibit 17	42
Plaintiff's Exhibit 18	42
Plaintiff's Exhibit 14	44
Plaintiff's Exhibit 21	46
Plaintiff's Exhibit 19	46
Plaintiff's Exhibit 20	46
Plaintiff's Exhibit 36	51
Plaintiff's Exhibit 25	56
Plaintiff's Exhibit 1	58
Defendant's Exhibit 22	71
Plaintiff's Exhibit 31	105
Defendant's Exhibits 10, 21, 6, 7, 9, and 11	105
Plaintiff's Exhibit 22	138
Defendant's Exhibit 15	138
Plaintiff's Exhibits 23 and 24	139

1 (PROCEEDINGS held in open court before The Honorable
2 BRIAN R. MARTINOTTI, United States District Judge, on October
3 29, 2019, at 9:30 a.m.)

4 THE COURT: Good morning everyone. Appearances for
5 the record, please.

6 MR. BUCHSBAUM: Good morning, Your Honor. Andrew
7 Buchsbaum, Friedman, James & Buchsbaum for the plaintiff,
8 Ernest W. Hinson, Junior.

9 MR. JOSEPH: Joshua Joseph for the United States of
10 America.

11 MR. BROWN: Good morning, Your Honor. Thomas Brown
12 for the United States.

13 MS. CROSBY: Trina Crosby for the United States.

14 MS. EISDORFER: Olive Eisdorfer, United States.

15 THE COURT: Welcome. You may be seated.

16 Before we get started, I'd first like to welcome
17 everyone to the District of New Jersey, Newark vicinage.

18 I commend both counsel for their well thought out
19 preparation. The Court has reviewed the trial briefs, the
20 pretrial, all the exhibits, and the very thorough, thought out
21 legal arguments set forth therein, and I have a very good
22 handle on the nature of the lawsuit, the claims, liability,
23 and the alleged damages sustained by the plaintiff.

24 This is a bench trial, as we've discussed in
25 chambers. That being said, for purposes of the client that's

1 here, rest assured your lawyer would be certainly more
2 animated and entertaining, I would say, if there were a jury
3 here. There is not, so I asked him to be more efficient than
4 he otherwise would have been, understanding that the Court is
5 the finder of fact.

6 So that being said, rest assured he is prepared. He
7 has aggressively, yet civilly, represented your interests, and
8 I'm confident he will maintain that way throughout the trial.

9 To the government, thank you for your submissions.
10 Understanding everyone has a position, this is not personal,
11 sir. It's just their position and your lawyer's position
12 can't come together. Maybe it will as the trial progresses.

13 That being said, I understand that opening statements
14 have been waived.

15 MR. BUCHSBAUM: That's correct, Your Honor.

16 THE COURT: Okay.

17 Call your witness.

18 MR. BUCHSBAUM: Plaintiff calls Earnest W. Hinson,
19 Junior.

20 (**ERNEST W. HINSON, JR.**, HAVING BEEN DULY SWORN/AFFIRMED,
21 TESTIFIED AS FOLLOWS:)

22 THE DEPUTY COURT CLERK: State your name.

23 THE WITNESS: Ernest William Hinson, Junior.

24 THE COURT: Thank you, sir. You may be seated.

25 Counsel, you may proceed.

1 MR. BUCHSBAUM: Thank you, Your Honor.

2 (DIRECT EXAMINATION OF ERNEST W. HINSON, JR. BY MR.

3 BUCHSBAUM:)

4 Q. Good morning, Mr. Hinson.

5 A. Good morning.

6 Q. Try and keep your voice up, speak into that microphone.

7 What is your date of birth, sir?

8 A. October the 12th, 1953.

9 Q. Are you left-hand or right-hand dominant?

10 A. Right hand.

11 Q. Where were you born?

12 A. Bronx, New York City.

13 Q. Where did you grow up?

14 A. Bronx, New York City.

15 Q. Are you married?

16 A. Yes.

17 Q. Tell us your educational background. Did you go to high
18 school?

19 A. Yes, I went to high school.

20 Q. Did you complete high school?

21 A. No.

22 Q. When did you stop high school?

23 A. I believe in the 10th grade.

24 Q. Okay. Why did you stop in the 10th grade? What did you
25 do?

1 A. I went in the U.S. Navy at that time.

2 Q. And what rank did you achieve in the Navy?

3 A. I was E-2 in the Navy.

4 Q. E-2 is one step above an E-1?

5 A. Yes.

6 Q. How long were you in the Navy?

7 A. Three years.

8 Q. Were you honorably discharged?

9 A. Yes.

10 Q. When did you first go to sea as a merchant mariner?

11 A. In 1997 -- 1977. I'm sorry.

12 Q. Okay. And can you explain to the Court how one gets a
13 job on a merchant vessel, United States merchant vessel?

14 A. Well, I was in the Navy, and I had sea time while I was
15 in the Navy. I was on what they call an unwrapped tanker.
16 That refuels ships out at sea. And because of my sea time, I
17 was eligible enough to go to the Coast Guard and get merchant
18 mariner's documents.

19 Q. In order to get a merchant mariner's document, do you
20 have to pass certain physical tests, meet certain
21 requirements?

22 A. Yes.

23 Q. Okay. What type of ships did you work on in your career?

24 A. In my career I worked on Military Sealift Command. I
25 worked on unwrapped -- what they call unwrapped tankers. They

1 refuel aircraft carriers and destroyers out at sea. I worked
2 on missile carriers. I worked on a ship called the Vanguard
3 who tracked missiles from Cape Canaveral. I worked on a -- I
4 believe a survey ship, the Hartness, and I believe the Wilks.
5 And they do surveys in the Indian Ocean. And then Egypt.

6 Q. You mentioned a merchant mariner's document. I'm going
7 to put up on the screen what we've marked as Exhibit 20, which
8 I'll move into evidence.

9 MR. BUCHSBAUM: I don't think there's any real
10 dispute about admissibility, Your Honor.

11 THE COURT: Okay.

12 MR. BUCHSBAUM: For the record, Exhibit 20 is going
13 to be Mr. Hinson's merchant mariner's document.
14 (Plaintiff's Exhibit 20 in evidence.)

15 BY MR. BUCHSBAUM:

16 Q. Do you see that, Mr. Hinson?

17 A. Yes.

18 Q. Is that what is known as a merchant mariner's document,
19 or as it says, a merchant mariner credential?

20 A. Yes.

21 Q. Is that what's required to work on a United States
22 merchant vessel?

23 A. Yes.

24 Q. Is this your current merchant mariner's document?

25 A. Yes.

1 Q. Is it valid through 2020?

2 A. Yes.

3 Q. Okay.

4 When you worked for -- you've worked on various
5 ships. When you were assigned to a vessel, does the employer
6 usually require a pre-employment physical?

7 A. Yes.

8 Q. All right. Where have you sailed in your career?

9 A. All around the world. I've been around the world about
10 two and a half times, you know, in the Indian Ocean, Pacific,
11 Atlantic.

12 Q. Did you like sailing?

13 A. Yes.

14 Q. Now, can you explain to the Court the three departments
15 that are on merchant vessels?

16 A. You have the steward department, which are cooks,
17 stewards, room stewards, utility guys that clean the ships.
18 You have the deck department, which is basically all ordinary
19 seaman and able-bodied seaman. Those guys are helmsmen on
20 board the ship. And the deck department.

21 Then you have the engine department where you have
22 different ratings in the engine department. The lowest rating
23 is the wiper. He cleans up in the engine room.

24 Q. You've sailed most of your career as a member of the
25 engine department; is that right?

1 A. Yes.

2 Q. You sit here in a suit today. Do you a wear suit when
3 you're on the vessel?

4 A. No, you wear jumpers.

5 Q. Jumpsuit, coveralls?

6 A. Yeah. Coveralls, long sleeve.

7 Q. All right.

8 On the date of this incident that we're here for
9 today, you were serving in what rating?

10 A. I was rated second assistant engineer.

11 Q. Can you tell the Court how you moved up, like we call it,
12 up through the hawse pipe on the vessel to the rating of
13 second assistant engineer? What did you start as?

14 A. I started as a dishwasher in the steward department.
15 Then I worked my way up into the engine department as the
16 wiper, an oiler, a fireman, and I took all the license tests.
17 And I sailed in those positions with the Coast Guard, and I
18 worked my way up the hawse pipe and got a third assistant
19 engineers license.

20 Q. Okay.

21 Can you explain to the Court what a ship's engine
22 room looks like? It's not like a car engine. What does it
23 look like?

24 A. It's like a power plant. You know, you got a big console
25 there with all kinds of controls and lights and alarm systems.

1 You got the main propulsion system. You got the electrical
2 system. You got the auxiliary system and you got the
3 miscellaneous systems in one big control room.

4 Q. Can you estimate for us the height of an engine room,
5 say, on a 946 vessel like the Denebola and the Antares were?

6 A. I would say anywhere between seven and eight stories from
7 the bottom all the way up to the stack.

8 Q. What's the approximate horsepower of something like the
9 Denebola or the Antares?

10 A. The Denebola, it had what they call twin propellers. So
11 you had -- basically you have six engines in there, and it's
12 about 120,000 horsepowers.

13 Q. Okay.

14 The Denebola and the Antares were steam powered,
15 correct?

16 A. That's correct.

17 Q. Do you have any expertise in steam-powered vessels?

18 A. Yes. Most of my career was on steam-powered vessels, a
19 lot of it.

20 Q. Okay.

21 Can you explain to us what type of work a marine
22 engineer such as yourself does?

23 A. Well, when you out at sea you stand watch. You stand
24 four hours on, eight hours off. You are down in the engine
25 room monitoring equipment down there. You might have to

1 monitor the propulsion section where that the bridge might
2 call down. You might have to do a speed change, either go up
3 or go down, and all that's the responsibility of the engineer
4 on watch.

5 Q. Okay. Do you need to use tools when you're doing this
6 work?

7 A. Yes.

8 Q. What type of tools do you use?

9 A. Well, basically I use all the tools -- I mean, any tool
10 that you can think of: Hammers, wrenches, crescent wrenches,
11 big hammers. You know, I would have to take you to Home Depot
12 and point out where all the tools at we use on board a ship.
13 Wrenches, open-end wrenches.

14 Q. How big are some of these wrenches?

15 A. Anywhere between two, three, four, five inches.

16 Q. What do you use the wrenches for?

17 A. Well, we have what you call flanges. It's two pipes
18 coming together, and you have bolts on these pipes. And being
19 as though these bolts been there so long, you might have to
20 change the gasket that's inside there because it might blow,
21 or something like that. You know, you have steam leaking out
22 of it. You got the bust those bolts loose, those nuts.

23 Q. Do you need a wrench to crack open a valve?

24 A. Yes.

25 Q. How much weight do you have to lift when you're working

1 in the engine room?

2 A. Can you repeat that question.

3 Q. How much weight on an average day or an average trip
4 would you have to lift while you're working in the engine
5 room?

6 A. That varies. I mean, you might have to bring a pump up
7 to the machine shop using chainsaws and slings, you know, or a
8 motor you might have to take up to the electrical shop and --
9 and change the bearings on it. So it's various weight, you
10 know, anywhere between 150, 200, 300 pounds.

11 Q. There's a machine shop on the vessel?

12 A. Yes.

13 Q. It's an electrical shop?

14 A. Yes.

15 Q. Is it fair to say that you've sailed continuously from
16 1976 up until the date of this accident?

17 A. Yes.

18 Q. Have you worked at all since the date of the accident?

19 A. No.

20 Q. All right.

21 Now, if you're unable to do your job while you're on
22 a vessel, is there someone who can do your job for you?

23 A. No.

24 Q. Why is that?

25 A. Because they won't accept you. If you're not capable of

1 handling wrenches or lifting things up, you know, you're not
2 going to get -- company won't accept you, you know.

3 Q. For example, you can't get a wiper to do all your duties?

4 A. No. No.

5 Q. Do you live on board the ship?

6 A. Yes.

7 Q. All your meals, you eat on the ship?

8 A. Yes.

9 Q. Can you leave the ship whenever you want when you're
10 assigned to a ship?

11 A. No. Only time you can leave is when you're off duty and
12 you're required to come back.

13 Q. Or if you get a medical clearance to leave, right?

14 A. Yes.

15 Q. Do you have to do drills when you're on board a vessel?

16 A. Yes. We have fire drills. We have terrorist drills,
17 terrorist operations and stuff like that.

18 Q. What is a fire drill?

19 A. A fire drill is when you have a fire on board the ship
20 and you're required to go to what they call your fire station,
21 which is on the station bill listed on all ships.

22 Q. Did you do life boat drills as well?

23 A. Yes.

24 Q. Just explain briefly what that is.

25 A. A life boat drill is basically going to your life boat

1 station, lowering the life boat. In some instances you get
2 inside it and you move away from the ship, if the ship is
3 either at dock or anchored out.

4 Q. In your experience, have you sailed in heavy weather?

5 A. Yes, sir.

6 Q. Can you describe what that's like?

7 A. It's so heavy, you know, I mean, the seas are so rough
8 that, you know, you have to put your life jacket under your
9 mattress in order to sleep, do you know what I mean? Because
10 it's rolling or either pitching too high, too much.

11 Q. What is the highest waves you've ever sailed in?

12 A. I'd say about 12, 14 feet, you know.

13 Q. Have you ever sued anyone before?

14 A. No.

15 Q. Have you ever been sued before?

16 A. No.

17 Q. All right.

18 Are you -- were you a union member?

19 A. Yes.

20 Q. What union were you a member of?

21 A. American Maritime Officers Union.

22 Q. As a member of that union, were you provided with certain
23 benefits?

24 A. Yes.

25 Q. Can you describe some of those benefits?

1 A. Medical benefits, 401(k), retirement benefits.

2 Q. Vacation pay?

3 A. Vacation pay.

4 Q. Generally what's that?

5 A. Well, basically if you take a contract with the union,
6 120 days on board the ship, that's your contract. It all
7 depends what ship you are on. You get vacation pay. You
8 might get 25, 26 days or day-for-day vacation.

9 Q. So that's basically money in your pocket, right?

10 A. Yes.

11 Q. You get a 1099 or some other document indicating what
12 your vacation pay was at the end of the year, right?

13 A. Right.

14 Q. Do you wear glasses?

15 A. Yes.

16 Q. How is your vision with the glasses on?

17 A. Good.

18 Q. 20/20?

19 A. Yeah.

20 Q. Were you wearing glasses at the time of the incident?

21 A. Yes, I was.

22 Q. Do you have high blood pressure?

23 A. Yes.

24 Q. Is it controlled?

25 A. Yes, it's controlled.

1 Q. Do you take medication?

2 A. Yes.

3 Q. You've been diagnosed with Hep C. Is that resolved or
4 controlled?

5 A. That's resolved.

6 Q. Let's talk a little bit about the Denebola and the
7 Antares. Okay.

8 They were docked side by side, right?

9 A. That's correct.

10 Q. I put up on the screen what's been marked as Defendant's
11 Exhibit 1. Do you see that, Mr. Hinson?

12 A. Yes.

13 Q. And that's at the Locust Point Marine Terminal,
14 Baltimore, Maryland, right?

15 A. Correct.

16 Q. And that's where the Antares and the Denebola were docked
17 when you signed on, right?

18 A. Yes.

19 Q. Are you able to tell which ship is which?

20 A. If I'm not mistaken, the Antares is the one closest to
21 the dock.

22 Q. Okay.

23 Now, they've been described as sister ships. Are
24 they identical in every respect?

25 A. No.

1 Q. Do you see the helicopter pads on the deck?

2 A. Yes.

3 Q. Can you circle those with your finger? Let's see if it
4 works on the screen. Are the helicopter pads identical on the
5 two ships?

6 A. No.

7 Q. What's the difference? Just describe for the record what
8 the difference is.

9 A. The markings in the middle, they are different. And
10 where they painted the lines, it's different.

11 Q. All right. Were there other -- even though these ships
12 were sister ships, were there other differences between the
13 two ships?

14 A. Oh, yeah. You can't make every ship exact identical.
15 It's no way you can do that. You know, there's going to be a
16 change somewhere.

17 Q. Did the two ships have different builders, do you know?

18 A. I believe so.

19 Q. Okay.

20 And they were refitted at some time. Do you know if
21 they had the same refitting outfit do the refitting?

22 A. I don't think so because they was in different shipyards.

23 Q. Okay.

24 Now, you were first assigned to the Antares, it looks
25 like, in February of 2016; correct?

1 A. That's correct.

2 Q. I've put up on the screen what we've marked as
3 Exhibit-27. Do you see that, Mr. Hinson?

4 A. Yes.

5 Q. And this was produced by defendants -- or defendant.

6 It looks like the first day on the Antares was
7 February 22nd of 2016. Does that seem about right?

8 A. Yeah. I think so.

9 Q. Okay.

10 If we scroll through this document, it looks like you
11 served on the Antares from February 22nd to March 6th. And
12 then from March 7th to March 20th. And then from April 4th to
13 April 17th, April 18th to May 1st, May 16th to May 29th. Do
14 you see that?

15 A. Correct.

16 Q. Okay.

17 Now, you were assigned to the Antares as second
18 assistant engineer?

19 A. Right.

20 Q. And at some point you were ordered to board the Denebola?

21 A. That's correct.

22 Q. Who gave that you order?

23 A. Chief Engineer. Both chief engineers on the Antares and
24 on the Denebola, they made an agreement.

25 Q. Why were you told to go on board the Denebola?

1 A. Because I got experience as a steamship engineer.

2 Q. What were you instructed to do on board the Denebola?

3 A. Help them light off the plant. Bring the plant up to
4 steam pressure.

5 Q. Describe for the Court what the light-off procedure
6 involves.

7 A. Well, you got a ship that's coal, you know, so basically
8 what you have to do, you have to light the ship off with
9 diesel fuel in the furnace, and that required putting a torch
10 in the furnace until that diesel fuel catch on fire.

11 Once you got a fire in the furnace, then you
12 basically just let it -- leave it in there for like 10, 15
13 minutes, then shut it off. You keep doing that for a couple
14 of hours to warm the furnace up, warm everything up at the
15 time.

16 Q. What's the purpose of doing that?

17 A. So you don't crack any tools and you don't mess with the
18 refractory in the furnace.

19 Q. How big is this furnace?

20 A. I'd say from here all the way down from this part of the
21 jury box to that. Or even more and over some.

22 THE COURT: When you say "this part of the jury box,"
23 you're referring to the corner closest to the witness stand?

24 THE WITNESS: The corner close to the --

25 THE COURT: To where you're sitting.

1 THE WITNESS: -- to the window, yeah, up until about
2 where this young lady is sitting.

3 THE COURT: Okay.

4 THE WITNESS: And then it goes back to where the end
5 of the jury box is.

6 THE COURT: So it would be where Megan is sitting,
7 and it goes back to the jury box. So basically the length of
8 the entire jury box pushed out maybe about five feet, four
9 feet.

10 THE WITNESS: Right.

11 THE COURT: Is that fair, counsel?

12 MR. BUCHSBAUM: That's fair.

13 THE COURT: Thank you.

14 BY MR. BUCHSBAUM:

15 Q. When were you first told to board the Denebola?

16 A. I believe on the date of the --

17 Q. Let me show you -- let's go back to Exhibit-27 and look
18 at this page, which is denominated U.S. 01212.

19 Does that refresh your recollection as to the first
20 day that you were sent over to the Denebola to help with the
21 light-off duties?

22 A. Yes, it is.

23 Q. Okay. What day is that?

24 A. That's on May the 23rd.

25 Q. Now, we know that your accident occurred when you were

1 leaving a certain room on board the Denebola. On May 23rd,
2 had you been in that room?

3 A. No.

4 Q. What did you do on May 23rd?

5 A. Well, I helped.

6 Q. On the Denebola?

7 A. I helped them light off the ship, and we was opening and
8 closing valves and we was getting -- putting steam on the
9 propulsion system to roll over the engines, you know. And I
10 mentioned to the -- to the engineer that he needs to test the
11 boilers while everything was up and running.

12 Q. Was there a second assistant engineer assigned to the
13 Denebola?

14 A. Yes, it was.

15 Q. Who was that?

16 A. It was Craig Merrick, I believe.

17 Q. Craig Meredith, I think his name is?

18 A. Yes.

19 Q. What was your understanding of Mr. Meredith's experience
20 lighting off a steam-powered vessel such as the Denebola?

21 A. He had no experience.

22 Q. Is that why you were called over to help?

23 A. Yes.

24 Q. How much experience had you had in lighting off steam
25 vessels?

1 A. Maybe about 25 years.

2 Q. Okay.

3 A. You know.

4 Q. All right.

5 All right. Let's go to May 24th, which is, everybody
6 I think agrees, the date of the incident. You were sent back
7 over to the Denebola from the Antares?

8 A. Yes.

9 Q. And at some point you entered -- we'll call it "the
10 room," right?

11 A. Whatever they call it.

12 Q. All right.

13 A. I'm not too sure what it is.

14 Q. All right.

15 Let me try and pull up a picture of what that room
16 looked like. It wasn't taken on the date of the accident. It
17 was taken some time after just to get a general idea of what
18 the room looked like.

19 I put up on the screen Exhibit-34. Is this a fair
20 and accurate representation generally of what that room looked
21 like on the date May 24th, 2016?

22 A. I believe so.

23 Q. What is that room used for?

24 A. Carrying junk. I mean, there's nothing really in there.

25 Q. Is there another room on the Denebola and the Antares

1 which has controls and other things?

2 A. No. There's no control in that room right there.

3 Q. All right. But are there other rooms where main controls
4 for the engines are located?

5 A. No.

6 Q. Okay. What was in that room? What do you see in that
7 room?

8 A. Really just boxes and junk. I don't see anything that's
9 -- that you can use. I mean, I don't know what's in there.

10 Q. At some point on May 24th you went into that room,
11 correct?

12 A. Yes, yes.

13 Q. What do you want to call that room? Just so we can stop
14 calling it "the room."

15 A. Uh --

16 Q. Somebody has called it the log office. Is that what you
17 would call it?

18 A. No. I don't know what you call it, you know.

19 Q. I'm going to keep calling it "the room," okay?

20 A. It's just a room, you know.

21 Q. Okay.

22 Why did you go into the room?

23 A. Well, the second engineer, Craig Meredith, didn't have no
24 experience in testing high pressure boilers. He never did it
25 in his whole life. They bumped him up from a third engineer

1 to a second engineer, and I had to show him how to test the
2 boiler water.

3 Q. How do you test the boiler water?

4 A. Well, there's a chart and there's -- you have to get a
5 sample of the boiler water itself off the boilers. So it goes
6 through a cooler to cool it down so it doesn't flash into
7 steam, and you get a sample from there. And then there's
8 different chemicals that you have to use to find out whether
9 you have -- if the boiler got chlorine in it, the pH of the
10 boiler, the hardness of the boiler, whether, you know, it's a
11 lot of chemicals that you have to use to treat these boilers.

12 Q. And why did you go into that room? What were you looking
13 for?

14 A. I was looking for chemicals that he said that was in the
15 room. So I asked him, well, where's your chemicals at?
16 Because we looked at his chemical testing stand. He had
17 nothing in there. So I said, well, where are your chemicals?
18 Well, let me check this room right here.

19 Q. And you went into the room?

20 A. And I went into the room.

21 Q. Okay.

22 And that was the first time you were in that room on
23 board the Denebola, correct?

24 A. Yes.

25 Q. All right.

1 MR. BUCHSBAUM: Judge, just for the record, can we
2 move Exhibit-34 into evidence as well as Exhibit-27?

3 THE COURT: So 34 is the picture of, quote, "the
4 room."

5 MR. BUCHSBAUM: Right.

6 THE COURT: Any objection to Exhibit-34 coming into
7 evidence?

8 MR. JOSEPH: No objection.

9 THE COURT: Okay.

10 MR. BUCHSBAUM: Exhibit-27.

11 THE COURT: What are we going to make this? P-1 in
12 evidence.

13 MR. BUCHSBAUM: We've premarked it, Judge, as P-34.

14 THE COURT: Okay. So P-34 is in evidence. Is it
15 P-34 or J-34 or --

16 MR. BUCHSBAUM: We're just calling it, I guess, P-34.

17 THE COURT: So P-34 is in evidence. That is the
18 picture of, quote, "the room," and that's without objection.
19 (Plaintiff's Exhibit P-34 in evidence.)

20 MR. BUCHSBAUM: And also 27, P-27, which are the time
21 sheets.

22 THE COURT: Any objection to P-27?

23 MR. JOSEPH: No objection, Your Honor.

24 THE COURT: So P-27 is now in evidence.
25 (Plaintiff's Exhibit P-27 in evidence.)

1 THE COURT: Without objection. That's the time
2 sheets.

3 MR. BUCHSBAUM: As well as P-20, which is the
4 merchant mariner's document.

5 THE COURT: P-20. Any objection?

6 MR. JOSEPH: No. No, objection Your Honor.

7 THE COURT: P-20 is the merchant mariner document
8 with the photo of the plaintiff.

9 (Plaintiff's Exhibit P-20 in evidence.)

10 MR. BUCHSBAUM: Also D-1, which is the photo of the
11 two vessels side by side.

12 THE COURT: Any objection?

13 MR. JOSEPH: No objection, Your Honor.

14 THE COURT: D-1 is now in evidence. Those are the
15 photos of the two vessels.

16 (Defendant's Exhibit 1 in evidence.)

17 THE COURT: Okay.

18 MR. BUCHSBAUM: All right.

19 BY MR. BUCHSBAUM:

20 Q. Let's re-set the scene. You're in the room looking for
21 the chemicals. What happened next when you were in the room?

22 A. While we was in the room, we had two unlicensed personnel
23 at the control boards.

24 Q. Where's the control boards?

25 A. The control is right on the same level, but that's where

1 -- where all the controls are.

2 Q. Not in the room, but somewhere else?

3 A. No. Nowhere near the room.

4 Q. All right.

5 A. You know, and I went in there to help him look for
6 chemicals for the boiler so we can test it.

7 Q. At some point, did an alarm go off?

8 A. Yeah. An alarm went off --

9 Q. Let me stop you there. Can you describe -- how does the
10 -- is it an audible alarm? Is it a visual alarm?

11 A. It's an audible alarm.

12 Q. What's the significance, if any, of an alarm on a vessel
13 such as the Denebola?

14 A. Well, any vessel you have to acknowledge that alarm and
15 you have to go to the console itself and make sure you know
16 what alarm went off on what piece of equipment. And you have
17 to acknowledge it. That's part of Coast Guard federal rules
18 and regulations.

19 Q. Was there any heightened significance of the alarm? Was
20 there anything going on on the ship that made it a --

21 A. We have -- we had the whole steam plant up and running,
22 and we was only on one generator. We couldn't -- we couldn't
23 get the other generator up and running, so the whole load of
24 the ship was on that one generator.

25 Q. So what's a possible outcome of an alarm given that

1 circumstance?

2 A. Well, if it's on the generator you have to act and find
3 out what's going on with the generator. Are the lights going
4 to go off? Everything shuts down.

5 Q. What do you mean everything shuts down? What does that
6 mean?

7 A. That means you black out the whole ship once you lose the
8 generator.

9 Q. So what did you do once you heard the alarm?

10 A. Well, I went to answer that alarm, and all of a sudden I
11 find myself on the deck.

12 Q. All right.

13 I'm showing what we've marked as P-2. Is this a fair
14 and accurate representation of what the doorway and sill in
15 the room on the Denebola looked like at the time of your
16 accident?

17 A. Yes.

18 MR. BUCHSBAUM: Your Honor, I move into evidence P-2.

19 THE COURT: Any objection?

20 MR. JOSEPH: No objection, Your Honor.

21 THE COURT: Just for the Court's purpose, is this
22 looking from the room out or out into the room? Do you
23 understand what I'm saying?

24 THE WITNESS: This is looking out from the room.

25 THE COURT: Okay. So you're standing in the room

1 looking out into -- looking out toward the top of the picture,
2 for lack of a better word, correct?

3 THE WITNESS: That is correct.

4 THE COURT: Okay.

5 (Plaintiff's Exhibit P-2 in evidence.)

6 BY MR. BUCHSBAUM:

7 Q. And what caused you -- strike it.

8 Did you trip and fall?

9 A. Well, when I went out the room I thought the white part
10 was the lip and -- and the rest was deck red, you know.

11 Q. So what caused you to fall?

12 A. I fell off of that white part right there.

13 Q. Okay. You've marked on the exhibit P-2 a white portion
14 of sill; is that right?

15 A. That's correct.

16 THE COURT: Is the still also referred to as the
17 coaming?

18 MR. BUCHSBAUM: Yes.

19 THE COURT: Is it? Can we agree to that?

20 MR. JOSEPH: Yes.

21 MR. BROWN: Your Honor, I think you're going to hear
22 sill, coaming, and threshold interchangeably. And I don't
23 think there's any disagreement that these all refer to what
24 you're seeing in this picture.

25 MR. BUCHSBAUM: I've heard lip as well.

1 THE COURT: Lip or lick?

2 MR. BUCHSBAUM: L-I-P, like Peter.

3 THE WITNESS: In some instances they call it a fish
4 plate.

5 THE COURT: What do they call it?

6 THE WITNESS: Fish plate.

7 THE COURT: Plate.

8 MR. BUCHSBAUM: Okay.

9 BY MR. BUCHSBAUM:

10 Q. Describe how you fell. Body position.

11 A. Well, when I -- when I was coming out of the room I heard
12 the alarm, and my foot, I guess, tripped up on the white part
13 of that -- that sill there and I fell and I hit the deck.

14 Q. All right.

15 Did you experience -- tell us how you felt after you
16 hit the deck.

17 A. I was in much pain.

18 Q. Where was the pain located?

19 A. It was located in my arm up here by my triceps.

20 Q. Indicating the right arm, right?

21 A. Right arm.

22 Q. All right.

23 Do you remember approximately what time this was?

24 A. Between 2:30 and 3:00.

25 Q. All right.

1 Now, in your experience, since sailing on vessels
2 since approximately 1976, are these sills, lips, coamings,
3 whatever you want to call it, similar to Exhibit-2, are they
4 painted any different color?

5 A. Yes, they are.

6 Q. What color?

7 A. They usually paint it safety yellow and black.

8 Q. Now --

9 A. With black stripes.

10 Q. Let's talk about the Antares. Was there a similar room
11 on the Antares where you were primarily assigned?

12 A. Similar room, yes.

13 Q. Do you remember what the sill looked like on the Antares?

14 A. No, I don't remember that.

15 Q. All right. Let me show you what's been marked as P-4,
16 which is part of defendant's expert's report. And do you see
17 where the cursor, the little cross is located?

18 A. Yes.

19 Q. That's been represented by the defendant's expert to be
20 the sill on the Antares. Do you see that?

21 A. Yes.

22 Q. Was that the condition and color of the sill on the
23 Antares on and before the date of your accident on the
24 Denebola?

25 A. Yes.

1 Q. All right.

2 THE COURT: Just again for the record, this is P-4.
3 There are two pictures on P-4. The cursor is on the left --

4 MR. BUCHSBAUM: It's the right.

5 THE COURT: I thought it's the little arrow. Wait a
6 minute. Go ahead. I saw what I thought was the cursor. I'm
7 sorry. That is the right. On the right side indicating
8 between three and four, it's on, it looks like, a ruler or
9 a --

10 MR. BUCHSBAUM: It's figure 4, bottom right photo.

11 THE COURT: Right.

12 MR. BUCHSBAUM: All right.

13 BY MR. BUCHSBAUM:

14 Q. Who, if anyone, witnessed your accident?

15 A. Craig Meredith.

16 Q. Had you ever had any prior injuries to your right arm?

17 A. No.

18 Q. Did you ever have any injuries to your right triceps
19 tendon in your right arm?

20 A. No.

21 Q. Did you ever have any injuries to any tendon in your
22 body?

23 A. No.

24 Q. All right.

25 Was your arm -- your right arm swollen?

1 A. Yes.

2 Q. Did anyone come to your assistance?

3 A. Yes. Once I came out of the room, once I got up and I
4 went to the control operating section and I told the Chief
5 Engineer. Because we was shutting down the plant, and I
6 couldn't close any of the valves and it was hurting so much.
7 I when I took -- I had this guy help me take off my jumper and
8 I seen that my arm was all bloated up.

9 Q. Was there a medical officer on board the Denebola?

10 A. Yes.

11 Q. Who was that?

12 A. I believe that was Mike Ryan.

13 Q. Rawlins.

14 A. Rawlins.

15 Q. R-A-W-L-I-N-S, I think is the correct spelling.

16 What, if anything, did Mr. Rawlins tell you to do?

17 A. Well, he filled out an accident report, and I took a
18 urine sample and he -- he set up some papers so I can go to
19 the hospital.

20 Q. What was the result of the urine sample?

21 A. Negative.

22 Q. Okay.

23 And did you go to the hospital on May 24th, 2016?

24 A. Yes, I went to the hospital.

25 Q. How did you get to the hospital?

1 A. The chief mate on the Antares drove me there.

2 Q. You had a car down there. You drove from Freehold down
3 to the ship?

4 A. Yes, I did.

5 Q. Why didn't you take your car to the hospital?

6 A. My arm was killing me. I couldn't drive. Not in the
7 condition like that.

8 MR. BUCHSBAUM: Your Honor, I would move Exhibit 4,
9 P-4 into evidence.

10 THE COURT: Any objection?

11 MR. JOSEPH: No objection, Your Honor.

12 THE COURT: So P-4 is in evidence without objection.
13 (Plaintiff's Exhibit P-4 in evidence.)

14 THE COURT: Just for the record, P-4 has two photos
15 on it. The one on the right is the Denebola. The one on the
16 -- I'm sorry. The one on the right -- wait a minute.

17 MR. BUCHSBAUM: Bottom right.

18 THE COURT: Four photos on P-4. Bottom right is the
19 Antares. Left is the Denebola. What's on top? Just because
20 it's all going to be in. Okay. All right.

21 MR. BUCHSBAUM: Okay. Just so we're clear, the one
22 on the left of the Denebola at the bottom is after it was
23 painted.

24 THE COURT: The Denebola is on the left.

25 MR. BUCHSBAUM: After it was repainted.

1 THE COURT: Correct. Because he's already
2 authenticated in another document that it was red and white on
3 top, I guess, right.

4 MR. BUCHSBAUM: Okay.

5 THE COURT: Any exceptions, comments, counsel?

6 MR. BROWN: No, Your Honor.

7 THE COURT: Okay.

8 BY MR. BUCHSBAUM:

9 Q. You mentioned some paperwork that was completed in order
10 for you to go to the hospital. I'm showing you what's been
11 marked as P-13. Is it something known as a Masters Report or
12 Masters Certificate?

13 A. Yes. On our ships it's like that.

14 Q. That's what you need to leave the ship, and you present
15 it to the hospital when you go for medical treatment?

16 A. That's correct.

17 Q. This was completed on May 24th, 2016, correct?

18 A. That's correct.

19 Q. All right. And it was signed -- it looks like it was
20 blacked out, but the notation C, slash, E, it looks like Chief
21 Engineer at the bottom, right?

22 A. Yeah.

23 Q. And that's what you need to bring to the hospital --

24 A. That's correct.

25 Q. -- so they'll treat you?

1 A. Right.

2 Q. Okay.

3 And did you go to the hospital on May 24th, 2016?

4 A. I went to the emergency room.

5 Q. What did they do for you?

6 A. Well, basically they didn't do anything. They just gave
7 me some, I believe, Motrins and told me to ice it down because
8 it's just a bruise.

9 Q. Okay. They told you it was just a bruise?

10 A. Yes.

11 Q. Did you go back to the ship?

12 A. Yes.

13 Q. Okay. On May 24th of 2016, did you complete an accident
14 report? And I will try to find it and pull it up. Okay.

15 I've put on the screen what we've marked as P-12. Okay. Is
16 that your -- well, it's blacked out, but would that have been
17 your signature below the name "Ernest Hinson?"

18 A. Yes.

19 Q. The date was May 25th, 2016?

20 A. That's correct.

21 Q. And that's your handwriting? Can you identify the
22 handwriting? There's some preprinted typed stuff.

23 A. I believe the handwriting was the chief mate, Mike
24 Rawlins.

25 Q. He was the chief mate on the Denebola?

1 A. Right.

2 Q. Can you read into the record what he wrote where the
3 cursor is pointed?

4 A. "Deck area. There was no safety yellow on the lip."

5 Q. Okay. And there's some typed information on P-12. Can
6 you just read what that says?

7 A. "While responding to alarm on the first level of the
8 engine room, I tripped on the lip on the deck outside the
9 engineering office and fell on my right elbow."

10 Q. Okay. And it lists the witness as Craig Meredith,
11 correct?

12 A. That's correct.

13 Q. Okay.

14 And just -- you were doing the following in this
15 typewritten -- what?

16 A. While on the Denebola -- while on duty during the
17 Denebola light-off, I was in the process of looking for test
18 chemicals.

19 Q. Okay.

20 And who typed the information that's typed?

21 A. I believe it was Mike Rawlins.

22 Q. Was it you?

23 A. No. It was the chief mate on there.

24 Q. All right. And what's listed on Exhibit 12, is that the
25 fair and accurate -- is there anything that's incorrect or

1 needs to be changed?

2 A. No.

3 Q. Okay.

4 MR. BUCHSBAUM: I move Exhibit 12 into evidence, Your
5 Honor.

6 THE COURT: No objection?

7 MR. JOSEPH: No objection, Your Honor.

8 THE COURT: P-12 into evidence.

9 (Plaintiff's Exhibit P-12 in evidence.)

10 MR. BUCHSBAUM: Also Exhibit 13, which is the Masters
11 Certificate, I move into that into evidence as well.

12 THE COURT: Any objection?

13 MR. JOSEPH: No objection, Your Honor.

14 THE COURT: P-13 in evidence.

15 (Plaintiff's Exhibit P-13 in evidence.)

16 THE COURT: Just, counsel, as an aside, before you
17 leave after every trial day, please meet with Lissette to make
18 sure we have all the evidence properly marked and properly
19 secured just as a matter of housekeeping because I'm going to,
20 hopefully, remember, but if I don't, thank you.

21 BY MR. BUCHSBAUM:

22 Q. Is there a medical log that's kept on board vessels?

23 A. Yes, it is.

24 Q. Exhibit-7 I'm putting up on the screen is the medical
25 log. Is the medical log an official ship's document?

1 A. Yes. It goes in the medical log and it goes in -- in the
2 deck U.S. Coast Guard logbook.

3 Q. All right. It's hard to read, but Exhibit-7, there's a
4 notation that on -- I can't even read it. Let's make it
5 bigger. On May 24th, 2016, it says, "Fall on right elbow
6 while on duty in engine room. Sent ashore to local hospital
7 for treatment." Do you see that?

8 A. Yes.

9 MR. BUCHSBAUM: Move Exhibit-7 into evidence.

10 MR. JOSEPH: No objection, Your Honor.

11 THE COURT: Thank you. P-7.

12 (Plaintiff's Exhibit P-7 in evidence.)

13 BY MR. BUCHSBAUM:

14 Q. There's a deck log that's kept on every vessel, correct?

15 A. That's correct.

16 Q. And I'm pulling up as P-8 the deck log from the Denebola
17 from May 24th, 2016. And there's a notation at the bottom,
18 which I'll just read into the record, 14:30, quote, "Antares
19 second assistant engineer Ernest Hinson, while working aboard
20 the SS Denebola assisting with the light-off, suffered an
21 injury to his right elbow. He was taken to a local hospital
22 for examination and treatment and declared FFD, which means
23 fit for duty. No breathalyzer given due to rushing him to
24 hospital, but urine test was given," close quote.

25 Move Exhibit-8 into evidence.

1 THE COURT: Any objection?

2 MR. JOSEPH: No objection, Your Honor.

3 THE COURT: P-8 in evidence.

4 (Plaintiff's Exhibit P-8 in evidence.)

5 BY MR. BUCHSBAUM: Just for the record, there were
6 certain other forms that were completed. I'm putting up P-15
7 on the screen, which is captioned Report of Investigation of
8 Serious Illness or Injury, which has already been stipulated
9 pursuant to a request for admission that this is a business
10 record. It was completed some time after Mr. Hinson was off
11 the vessel on August 30th, 2016, but I -- I move that into
12 evidence as well.

13 MR. JOSEPH: No objection, Your Honor.

14 MR. BUCHSBAUM: Just for the record, in the section
15 Condition of Accident Scene at time of the Investigation is
16 handwritten, quote, "Door lip in question did not have safety
17 yellow," close quote.

18 THE COURT: P-15 is in evidence. The record should
19 reflect counsel reading the evidence into the record or the
20 portion thereof.

21 (Plaintiff's Exhibit P-15 in evidence.)

22 MR. BUCHSBAUM: Just to try to go through this
23 quickly, Exhibit-16 is a statement of witness, which has also
24 been agreed as a business record from Craig Meredith, the
25 second assistant engineer on the Denebola. And I move that

1 into evidence as well.

2 MR. JOSEPH: No objection, Your Honor.

3 THE COURT: P16, Mr. Meredith's statement is now in
4 evidence.

5 (Plaintiff's P-16 in evidence.)

6 MR. BUCHSBAUM: Exhibit-17 is a statement of
7 non-witnesses to Mr. Hinson's incident, which has also been
8 stipulated as or agreed to as a business record, which lists
9 individuals who did not witness the incident, and I move
10 Exhibit-17 into evidence.

11 THE COURT: Any objection?

12 MR. JOSEPH: No objection.

13 THE COURT: P-17 in evidence.

14 (Plaintiff's Exhibit P-17 in evidence.)

15 MR. BUCHSBAUM: Exhibit-18 is a United States Coast
16 Guard form 2692, which was completed and also has been agreed
17 as a business record, and I move Exhibit-18 into evidence.

18 THE COURT: Any objection?

19 MR. JOSEPH: No objection.

20 THE COURT: Thank you. P-18 in evidence.

21 (Plaintiff's Exhibit P-18 in evidence.)

22 BY MR. BUCHSBAUM:

23 Q. Were you able to do your job on the Denebola after
24 returning from the hospital on May 24th, 2016?

25 A. Not really.

1 Q. Why?

2 A. Well, I needed help.

3 Q. Why?

4 A. To carry things around and -- it just hurt too much, you
5 know.

6 Q. All right.

7 June 20th, 2016, did you go back for medical
8 treatment?

9 A. Yes, I did.

10 Q. Between May 24th and June 20th, did you have any other
11 accidents?

12 A. No.

13 Q. All right.

14 Let's go to Exhibit-14.

15 Second page of Exhibit-14, which I have up on the
16 screen, is this another Masters Certificate?

17 A. Yes, it is.

18 Q. And that's dated June 20th, 2016, right?

19 A. Yes.

20 Q. And you took this to get medical attention, right?

21 A. Yes.

22 Q. And this was related to what?

23 A. My fall on the ship.

24 Q. On May 24th?

25 A. Right.

1 Q. All right.

2 And did you go to the doctor?

3 A. Yes, I did.

4 Q. Okay. And what were you told?

5 A. That I needed MRI.

6 MR. BUCHSBAUM: Move Exhibit 14 into evidence.

7 THE COURT: Any objection?

8 MR. JOSEPH: No objection, Your Honor.

9 THE COURT: P-14 is in evidence.

10 (Plaintiff's Exhibit P-14 in evidence.)

11 BY MR. BUCHSBAUM:

12 Q. Did you get the MRI?

13 A. Yes, I did.

14 Q. Where was that MRI taken?

15 A. That was at MedStar Harbor.

16 Q. Was it down in Baltimore, somewhere near Baltimore?

17 A. Yes.

18 Q. Okay.

19 Did they send to you an orthopedist down in Baltimore
20 as well?

21 A. Yes.

22 Q. Do you remember his name?

23 A. I can't think of his name offhand.

24 Q. Is it Jeffrey Mayer, M-A-Y-E-R?

25 A. Mayer, yeah.

1 Q. Did he review the MRI with you?

2 A. Yes, he did.

3 Q. What did the MRI show?

4 A. It showed that I had torn triceps.

5 Q. Triceps tendon?

6 A. Tendon.

7 Q. Okay.

8 MR. BUCHSBAUM: I put up on the screen Exhibit-21,
9 which is the MRI report of Mr. Hinson's right elbow, which was
10 taken June 29th, 2016.

11 BY MR. BUCHSBAUM:

12 Q. Mr. Hinson, is this the report of the MRI that was
13 conducted?

14 A. Yes, it is.

15 Q. And can you read what it says where the cursor is,
16 "triceps"?

17 A. The distal triceps tendon is torn and retracted --

18 Q. Retracted.

19 A. -- retracted slightly from the incision.

20 Q. Insertion.

21 A. Insertion on the --

22 Q. Olecranon.

23 A. Olecranon.

24 Q. I'll read the rest of it. It's a lot of medical
25 terminology. "The tendonness gap is approximately 2.7

1 centimeters. There is edema at its expected insertion. In
2 addition, there is edema within the muscle more proximally."

3 What did Dr. Mayer say to you as a result of the MRI?

4 A. He said that I would need -- I would need surgery to
5 repair it.

6 Q. All right.

7 MR. BUCHSBAUM: I move Exhibit-21 into evidence.

8 MR. JOSEPH: No objection.

9 THE COURT: Exhibit-21, the MRI report, is in
10 evidence without objection.

11 (Plaintiff's Exhibit P-21 in evidence.)

12 MR. BUCHSBAUM: And I move Exhibit-19, which are the
13 hospital records, into evidence as well.

14 THE COURT: Any objection?

15 MR. JOSEPH: No objection.

16 THE COURT: Was that 19?

17 MR. BUCHSBAUM: Yes, Your Honor, P-19.

18 THE COURT: P-19, hospital records.

19 (Plaintiff's Exhibit P-19 in evidence.)

20 MR. BUCHSBAUM: And I move P-20, which are Dr.
21 Mayer's records into evidence as well.

22 THE COURT: Any objection?

23 MR. JOSEPH: No objection.

24 THE COURT: P-20 Dr. Mayer's records.

25 (Plaintiff's Exhibit P-20 in evidence.)

1 MR. BUCHSBAUM: Going back to Exhibit-14.

2 BY MR. BUCHSBAUM:

3 Q. Were you given the first page, which I have up on the
4 screen? On July 6th, 2016, were you given another Masters
5 Certificate?

6 A. Yes.

7 Q. And were you told to leave the ship, go home and get
8 further surgical consult?

9 A. Yes.

10 Q. All right.

11 Did you ever return to either the Antares or the
12 Denebola after July 6th?

13 A. No.

14 Q. So July 6th you left the ship, went home to Freehold?

15 A. Right.

16 Q. All right.

17 And eventually you came under the care of Dr.
18 Sclafani, S-C-L-A-F-A-N-I?

19 A. Sclafani.

20 Q. How did you find Dr. Sclafani?

21 A. I believe the doctor in -- at Baltimore recommended I go
22 to an orthopedic institution of New Jersey, I think, or either
23 I looked it up through my insurance. I'm not too sure.

24 Q. Had you ever treated with Dr. Sclafani before?

25 A. Never.

1 Q. What did Dr. Sclafani tell you?

2 A. He told me that I needed surgery.

3 Q. All right.

4 And did you have surgery on August 3rd, 2016?

5 A. Yes, I did.

6 Q. All right.

7 So July 6th, when you left the shift, you were unfit
8 for duty, correct?

9 A. That's correct.

10 Q. All right.

11 Tell us your understanding of what the surgery was
12 that you had on August 3rd, 2016.

13 A. Well, my understanding that I asked him, you know, would
14 I be able to, you know, would my arm be okay.

15 Q. Tell us what you think the surgery was. Was anything put
16 into your elbow?

17 A. Oh, yeah, yeah, it was -- it was stitches. I had staples
18 in my elbow all the way down in my triceps all the way down.
19 Stitches and I got permanent stitches in my arm.

20 Q. All right.

21 How did you feel after that surgery?

22 A. I didn't feel better, that's for sure, you know.

23 Q. Were you in pain?

24 A. I was in a whole lot of pain. Still am in pain.

25 Q. All right.

1 Were you given any type of devices or slings after
2 the surgery?

3 A. I was given casts on my arm, on there, and with a sling.
4 Then I believe after that they took the cast off.

5 Q. All right.

6 Eventually did you start physical therapy?

7 A. Yes, I did.

8 Q. All right. It looks like physical therapy went from
9 September 13th, 2016 through January 12th, 2018; is that your
10 recollection?

11 A. Yes, that's correct.

12 THE COURT: 2018?

13 MR. BUCHSBAUM: Yes. January 12, 2018.

14 BY MR. BUCHSBAUM:

15 Q. Did you diligently attend physical therapy?

16 A. Every time I went there, yes, I go -- I went there.

17 Q. What did they do at physical therapy?

18 A. Well, they -- they worked my elbow and did some massage
19 on it, you know, I lift very light, light weight, you know,
20 just keep it from stiffening up. And that's about it.

21 Q. All right. Did you continue to follow up with Dr.
22 Sclafani?

23 A. Yes, I did.

24 Q. Did he give you any limitations on the amount of weight
25 you could lift with that right arm?

1 A. Yes, he did.

2 Q. What were those limitations?

3 A. Ten pounds.

4 Q. All right.

5 Have you been back to work at all since May 24th,
6 2016?

7 A. No.

8 Q. All right.

9 Do you have any limitations in the right arm now? If
10 so, can you please describe for the Court?

11 A. Yes. I can't use tools. I can't do the things that I
12 used to do at home, pick up things, carry things, pull things,
13 you know, because I'm limited to how much weight I can put on
14 my arm.

15 Q. All right.

16 You're familiar with the Coast Guard standards to
17 obtain a merchant mariner's document as far as physical
18 requirements?

19 A. A little bit.

20 MR. BUCHSBAUM: Let me pull it up on the screen.
21 It's not marked as an exhibit, Your Honor, but I would ask the
22 Court to take judicial notice of the Coast Guard requirements.

23 THE COURT: Are you going to put it up?

24 MR. BUCHSBAUM: Yep.

25 THE COURT: Any objection to this?

1 MR. JOSEPH: Can we see it?

2 MR. BUCHSBAUM: Yeah.

3 MR. JOSEPH: Your Honor, the United States has no
4 objection to the document itself being admitted into evidence.
5 The document speaks for itself. In terms of judicial notice
6 of the document, I'm not sure there's any need for that --

7 THE COURT: Okay.

8 MR. JOSEPH: -- since the document is speaking for
9 itself.

10 THE COURT: So we need to mark this as something.

11 MR. BUCHSBAUM: Let's call it P-36.

12 THE COURT: P-36, for the record, is coming into
13 evidence without objection. And if plaintiff's counsel could
14 just proffer what P-36 represents.
15 (Plaintiff's Exhibit P-36 in evidence.)

16 MR. BUCHSBAUM: Yes. P-36 is a portion of the
17 instructions for a renewal of merchant mariner's document, and
18 it can be obtained online. I can read the whole --

19 THE COURT: Well, no. It's Section 8, which is
20 Demonstration of Physical Ability.

21 MR. BUCHSBAUM: Right.

22 THE COURT: Okay.

23 MR. BUCHSBAUM: Okay.

24 BY MR. BUCHSBAUM:

25 Q. Mr. Hinson, one of the requirements states: Examiner

1 should be satisfied that the applicant is able, without
2 assistance, to lift at least 40 pounds. Lift at least a
3 40-pound 18.1 kilogram load off the ground, and to carry,
4 push, or pull the same load.

5 In your current condition, are you able to do that?

6 A. No.

7 Q. All right.

8 Another requirement is that you are able, without
9 assistance, to grasp, lift, and manipulate various common
10 shipboard tools. Are you able to do that?

11 A. No.

12 Q. Another requirement is able, without assistance, to pull
13 an uncharged one-and-a-half inch diameter 50-foot fire hose
14 with nozzle to full extension and to lift a charged
15 one-and-a-half inch diameter fire hose to fire fighting
16 positions.

17 In your current condition, are you able to do that?

18 A. No.

19 Q. Another requirement is able, without assistance, to climb
20 up and down vertical ladders and stairways.

21 In your current condition, are you able to do that?

22 A. No.

23 MR. JOSEPH: The United States just has an objection
24 to the continued use of the word "requirement" to this
25 document. This is simply a questionnaire that the individual

1 takes to the examiner. There's nothing in here that's a
2 requirement. It's simply a questionnaire, and the United
3 States would like to clarify that for the record.

4 MR. BUCHSBAUM: Your Honor, it does use the word
5 "necessary."

6 THE COURT: Well, why don't you just ask him can you
7 do this, can you do that, can you do the other thing, and then
8 you can tie this in later, perhaps.

9 MR. BUCHSBAUM: All right.

10 THE COURT: Okay. So the objection is sustained.

11 BY MR. BUCHSBAUM:

12 Q. Are you able, without assistance, to crouch, kneel, and
13 crawl?

14 A. No.

15 Q. Specifically crawl. Are you able to crawl?

16 A. No.

17 Q. You need to have the -- strike.

18 Do you have the agility, strength, and range of
19 motion to put on a personal flotation device and exposure suit
20 without assistance from another individual?

21 A. No.

22 MR. BUCHSBAUM: Your Honor, now we have this issue
23 about the subsequent remedial measure. I don't know if you
24 want --

25 THE COURT: Ask your question and we'll see what the

1 objection is.

2 BY MR. BUCHSBAUM:

3 Q. Mr. Hinson, when you went back to the Denebola -- strike.

4 You went back on the Denebola the following day, May
5 25th, according to the time record, correct?

6 A. That's before the accident.

7 Q. That's after the accident. Let me go to Exhibit-22 --
8 Exhibit-27. Do you see what I have on the screen? The
9 accident was May 24th. You went back on the Denebola, it
10 looks like, May 25th, May 26th, May 27th, correct?

11 A. It looks that way, yeah.

12 Q. Did you happen to look at the sill that you tripped over
13 and it had been repainted?

14 A. It had been repainted, yes.

15 Q. All right.

16 Let me ask you about the condition of the sill when
17 you went into the room on the Denebola. Okay? You went into
18 the room. Did you pass over that sill when you went into the
19 room on the Denebola?

20 A. Yeah. I went -- yeah.

21 Q. Okay. Can you describe what the sill looked like from
22 the position of going into the room?

23 A. Well, it looks like there was a lip there, you know, it
24 was all painted the same color.

25 Q. What color was that?

1 A. Deck red.

2 Q. Was there any white portion on the lip going into the
3 room?

4 A. Nothing. No.

5 Q. All right.

6 Is your arm still in pain?

7 A. Yes.

8 Q. Do you take any medication?

9 A. I take Motrin. I take Aleve. You know, try not to take
10 it every day, but I'm still in pain.

11 Q. All right. Do you have full range of motion in the arm?

12 A. No.

13 Q. Do you have full strength in the right arm?

14 A. No.

15 Q. Now, at some point, you were examined by a doctor on
16 behalf of the United States down in Hamilton, New Jersey; do
17 you remember that?

18 A. Yes.

19 Q. That was Dr. Bills. How long did that exam last?

20 A. 15 minutes.

21 Q. How many times did he examine you?

22 A. Once.

23 Q. Mr. Hinson, how long did you intend to work if you were
24 not injured?

25 A. The rest of my life, you know.

1 Q. In fact, your merchant mariner document is still valid
2 until 2020, right?

3 A. That's correct.

4 Q. Does the union have any mandatory retirement age?

5 A. No.

6 Q. You filed tax returns every year?

7 A. Yes.

8 Q. All right.

9 MR. BUCHSBAUM: Exhibit-25, Your Honor -- and I'll
10 give you a hard copy of all this -- is plaintiff's tax returns
11 for the years -- I don't remember. For certain years. I move
12 those into evidence.

13 MR. JOSEPH: No objection, Your Honor.

14 THE COURT: Okay. Just work out with Lissette at a
15 break or at the end of the day what the exhibits are. They
16 will be kept under seal so that nobody can see his personal
17 information. I assume there's no objection to that.

18 MR. JOSEPH: No, no objection.

19 THE COURT: Okay.

20 (Plaintiff's Exhibit P-25 in evidence.)

21 MR. BUCHSBAUM: Give me one minute, Your Honor.

22 Nothing further, Your Honor.

23 THE COURT: You okay, sir? You ready to proceed or
24 would you like a break?

25 THE WITNESS: I'd like a break.

1 THE COURT: Let's take a ten-minute break. Is that
2 okay, counsel?

3 MR. JOSEPH: Yes.

4 THE COURT: Okay. Thank you.

5 (A short recess occurred.)

6 THE COURT: Sir.

7 MR. BUCHSBAUM: Your Honor, I just need to get one
8 more photo into evidence, please.

9 THE COURT: Sure.

10 MR. BUCHSBAUM: Please.

11 BY MR. BUCHSBAUM:

12 Q. Mr. Hinson, I've placed on the screen what's been marked
13 as P-1. Do you see that photo?

14 A. Yes.

15 Q. What does that photo show?

16 A. It shows the lip going into the door, going into the
17 room.

18 Q. Is that a photo from the outside looking into the room?

19 A. That's from the outside looking in.

20 Q. Okay.

21 And you testified earlier that the lip going into the
22 room was painted only one color, deck brown?

23 A. Red.

24 Q. Deck red, deck brown, right?

25 A. Yes.

1 Q. Does that photograph show that?

2 A. Yes.

3 MR. BUCHSBAUM: I have nothing further. I move P-1
4 into evidence.

5 THE COURT: Any objection? Is this D or P?

6 MR. BUCHSBAUM: P.

7 MR. JOSEPH: No objection, Your Honor.

8 (Plaintiff's Exhibit P-1 in evidence.)

9 THE COURT: Cross-examine.

10 (CROSS-EXAMINATION OF ERNEST W. HINSON, JR. BY MR. JOSEPH:)

11 Q. Good morning, Mr. Hinson. As you know, my name is Josh
12 Joseph representing the United States.

13 So looking at this photo that you've just discussed,
14 I think you've testified initially it was deck gray. Is that
15 correct?

16 A. No, I did not. I said deck red.

17 Q. Okay. And the deck red on that photo, does the deck red
18 go all the way up what we are calling the threshold?

19 A. Yes.

20 Q. Thank you.

21 Mr. Hinson, you worked -- you're an experienced
22 seaman, correct?

23 A. Yes.

24 Q. You worked in the Navy from 1971 to '74?

25 A. Yes.

1 Q. So three years in the Navy, between 1977 and 1981, you
2 worked for the Military Sealift Command, correct?

3 A. That's correct.

4 Q. What is the Military Sealift Command?

5 A. Well, they carry -- either carry troops or carry supplies
6 for the troops, you know. I also worked on what they call an
7 unwrapped tanker whereas we refuel the naval vessels out at
8 sea.

9 Q. These were large cargo ships that you were working on in
10 the Military Sealift Command?

11 A. It was tankers, cargo ships, missile trackers, survey
12 ships, you know. Government ships, Department of Defense.

13 Q. Okay. And then, Mr. Hinson, you worked as what's called
14 a seaman from 1977 until 2016 when you tripped; is that
15 correct?

16 A. That's correct.

17 Q. So you've had over 35 years working on ships; is that
18 accurate?

19 A. That's correct.

20 Q. By the way, Mr. Hinson, during this period, during 2007,
21 you obtained your GED; is that correct?

22 A. Yes.

23 Q. What was the purpose of obtaining your GED?

24 A. Well, I just wanted it because I never had it before. I
25 wanted to attend a night class and get it.

1 Q. Okay.

2 And did you have to prepare for the GED?

3 A. Yes.

4 Q. Did that require you to study?

5 A. Yes.

6 Q. Did that require you to study math?

7 A. Yes.

8 Q. Required you to study algebra?

9 A. Yeah. I went to an adult community program, and I had a
10 tutor help me throughout some of the math. I'm not good at
11 math.

12 Q. So you obtained your GED then about ten years ago?

13 A. Yeah.

14 Q. You passed the examination for your GED; is that correct?

15 A. That's correct.

16 Q. In your career as a seaman, Mr. Hinson, you've worked as
17 a third assistant engineer?

18 A. Yes.

19 Q. Worked as a second assistant engineer?

20 A. Yes.

21 Q. You've worked as a first assistant engineer?

22 A. Yes.

23 Q. You've worked as a Chief Engineer; is that correct?

24 A. That's correct.

25 Q. To become each level of engineer, you have to acquire a

1 certain number of sea days; is that correct?

2 A. That's correct.

3 Q. To become each level of engineer, you have to take and
4 pass an exam, correct?

5 A. That's correct.

6 Q. Is the exam a multiday exam?

7 A. Yes.

8 Q. Okay. Did you have to study for that exam?

9 A. Yes.

10 Q. Did you spend a significant amount of time preparing and
11 studying for that exam?

12 A. Yes, I did.

13 Q. On any ship there are licensed and unlicensed members of
14 a crew; is that correct?

15 A. That's correct.

16 Q. And you first became a licensed crew member in 1984?

17 A. That's when I obtained my first third assistant
18 engineer's license.

19 Q. And that was 1984?

20 A. Yes.

21 Q. Okay.

22 So 30 years ago or more?

23 A. Yeah.

24 Q. You testified that you were a first and Chief Engineer as
25 well?

1 A. I took a relief chief job on one of the ships, yes.

2 Q. But you were licensed to be a Chief Engineer?

3 A. Yes.

4 Q. First engineers are considered senior officers in a ship;
5 is that correct?

6 A. That's correct.

7 Q. Chief engineers are considered senior officers in a ship?

8 A. Well, the Chief Engineer is the senior officer on board
9 the ship.

10 Q. Okay.

11 A. As they say, on board ships there's only one engineer and
12 that's the Chief Engineer. Everybody else is assistants.

13 Q. Okay. But you also testified that you've been a first
14 engineer, correct?

15 A. That's correct.

16 Q. The first engineer runs the entire engine room; is that
17 accurate?

18 A. That's accurate.

19 Q. You supervise the unlicensed crew as a first engineer?

20 A. Yes.

21 Q. You maintain the engine room equipment; is that correct?

22 A. Yes.

23 Q. You are in charge of cleanliness in the engine room?

24 A. Yes.

25 Q. You ensure that painting is kept up; is that correct?

1 A. Yes.

2 Q. And by the way, when you are working in the engine room,
3 are you required to wear steel-toed shoes?

4 A. Yes.

5 Q. At all times?

6 A. Yes.

7 Q. Did you have steel-toed shoes on the day of the accident?

8 A. Yes, I did.

9 Q. Were they steel-toed boots?

10 A. Yes.

11 Q. And as Chief Engineer, which you've just spoken about,
12 the Chief Engineer oversees the entire Engineering Department;
13 is that correct?

14 A. That's correct.

15 Q. You -- they're essentially the head of the Engineering
16 Department?

17 A. Yes.

18 Q. Second only to the captain?

19 A. Well, yes.

20 Q. And you'll supervise other engineers?

21 A. Yes.

22 Q. Okay. I'd like to show you what's been premarked as
23 Exhibit-22.

24 I'm showing you what's been premarked as Exhibit-22.
25 Have you ever seen this document, Mr. Hinson?

1 A. I've got discharges from all the ships I've been on.

2 Q. It's what?

3 A. I have discharges from all the ships I've been on.

4 Q. What is the title of this document as shown at the top of
5 the document?

6 A. It's your sea service report.

7 Q. Okay. Is that essentially a list of all the ships that
8 you've worked on since 1981?

9 A. You showed me that before, and I told you no because I
10 had discharges from Military Sealift Command.

11 Q. Okay. But from 1981, does it show all the ships that you
12 were on?

13 A. I believe so.

14 Q. Okay.

15 And if we could scroll to the last page of this
16 exhibit. The last page of this sea service exhibit, Mr.
17 Hinson, have you seen that before?

18 A. Yes.

19 Q. Okay.

20 Where it says "total sea time," that's from 1981 to
21 2014; is that correct?

22 A. Yeah. I see that.

23 Q. Okay.

24 And that's 5,285 days at sea during that time,
25 correct?

1 A. Right.

2 Q. That does not include your experience in the Navy?

3 A. No.

4 Q. That does not include your Military Sealift experience?

5 A. No.

6 Q. That does not include any time at sea after 2014; is that
7 correct?

8 A. That's correct.

9 Q. So fair to say that you've had over 5,285 days at sea?

10 A. That's correct.

11 Q. Okay.

12 Fair to say, Mr. Hinson, that you've worked on over
13 50 ships during the course of your career?

14 A. That's correct.

15 Q. You've worked on steamships?

16 A. Yes.

17 Q. Worked on large container ships?

18 A. Yes.

19 Q. Worked on tankers?

20 A. Yes.

21 Q. Worked on large cargo ships?

22 A. Yes.

23 Q. All of these ships had thresholds; is that correct, Mr.
24 Hinson?

25 A. That's correct.

1 Q. You've stepped over hundreds of thresholds during your 35
2 plus career; is that correct?

3 A. That's correct.

4 Q. Mr. Hinson, you signed aboard the Antares, I think you
5 testified, in February of 2016?

6 A. Yes.

7 Q. Okay.

8 And in the Antares, you maintained the boiler and the
9 engine room; is that essentially what you did?

10 A. Yes.

11 Q. You actually lived on the Antares during those three
12 months?

13 A. Yes.

14 Q. You were on board the Antares for that entire three-month
15 period?

16 A. Well, on weekends we -- we're off, so I drive up to New
17 Jersey. Unless I had the duty, then I have to stay on board
18 the ship for the weekend.

19 Q. But on weekdays you were living there; is that accurate?

20 A. Yes.

21 Q. And you worked in the engine room of the Antares every
22 day, correct?

23 A. That's correct.

24 Q. You've been, I take it, in the Antares's room office?
25 What we're calling, I guess, "the room," for purposes of this

1 case.

2 A. In the Antares's office or the Denebola?

3 Q. In the Antares's office?

4 A. That's an office, yes.

5 Q. Okay. That's the office. All right.

6 And in fact, you went into that office on a daily
7 basis while you were on the Antares; is that correct?

8 A. That's correct. Because that's where I kept my chemicals
9 to do my boiler testing.

10 Q. Were you required to cross the threshold every day to get
11 into the Antares office?

12 A. Yes, I was.

13 Q. You testified earlier today while you were on the stand
14 that the threshold in the Antares was painted yellow at the
15 time of the accident; is that correct?

16 A. At the time I -- I told you I didn't remember until I
17 seen the picture, and then that's when I seen the picture and
18 I told you it was painted yellow.

19 Q. Okay. And you were deposed in this case on July 27th of
20 2018; is that accurate?

21 A. I was what?

22 Q. Do you remember taking a -- being deposed in this case
23 when I came and asked you questions under oath?

24 A. Yes, I remember.

25 Q. That was on July 27th of 2018; is that accurate?

1 A. That's correct.

2 Q. Okay.

3 I'm going to give you a copy of your --

4 MR. JOSEPH: May I approach the witness, Your Honor?

5 THE COURT: Sure.

6 BY MR. JOSEPH:

7 Q. I'm going to give you a copy of your deposition exhibit.

8 If you could turn to page --

9 THE COURT: Counsel, do you have a copy?

10 MR. BUCHSBAUM: Yes, I do, Your Honor.

11 THE COURT: Thank you.

12 BY MR. JOSEPH:

13 Q. If you could turn to page 52 of your deposition, Mr.

14 Hinson. In the middle of that page, I ask you, "QUESTION:

15 Was the lip the same, to your knowledge, the lip on the door,

16 the one that you tripped on in the Denebola, was that the same

17 on the Antares or were they different?

18 Your answer was, "ANSWER: I don't recall.

19 "QUESTION: You don't recall how the Denebola lip

20 looked?

21 "Yeah, no, how the Antares -- yeah, I don't recall.

22 I can't remember."

23 Mr. Hinson, was that deposition taken closer in time

24 to the accident than today?

25 A. I don't understand what you're saying.

1 Q. Was this deposition taken before today? Was it closer in
2 time to the accident, essentially?

3 A. No.

4 Q. July 27th of 2018, was that over a year ago?

5 A. Oh.

6 THE COURT: I don't think he understands the
7 question. Why don't you rephrase the question.

8 BY MR. JOSEPH:

9 Q. When was this deposition taken, Mr. Hinson?

10 A. When you -- when we was at the lawyer's office and you
11 asked me about it.

12 Q. July 27th of 2018; is that correct? If you look at the
13 first page.

14 THE COURT: The Court will take judicial notice that
15 July 27th, 2018 was closer to the date of the incident as we
16 sit here today.

17 MR. JOSEPH: Understood.

18 THE COURT: Thank you.

19 BY MR. JOSEPH:

20 Q. I want to talk to you briefly about the day of the fall.
21 Before you tripped over what we're calling "the threshold,"
22 you walked into the office; is that correct?

23 A. I walked into that particular office on the Denebola,
24 yes.

25 Q. Craig Meredith also walked into the room with you?

1 A. Yeah. He walked in first.

2 Q. And you had to cross over the threshold to enter the
3 office?

4 A. Yes.

5 Q. Okay.

6 MR. JOSEPH: Could we call Exhibit-34 of plaintiffs.

7 BY MR. JOSEPH:

8 Q. Is this -- I think you were asked about this on direct.
9 Is this a photo of the -- of the office or room in the
10 Denebola?

11 A. Yes, it is.

12 Q. Okay. Do you recall where you were standing before you
13 -- when you first entered the room?

14 A. When I first entered the room I think it was right over
15 by whatever that is, a radiator or heater. We was -- Craig
16 was standing on the desk on the top here, and looking -- I
17 think he had shelves up there and he was looking for some
18 chemicals or something.

19 Q. Were you looking at Craig as he was trying to get the
20 chemicals?

21 A. Yeah.

22 Q. And is that the direction you were facing when the alarm
23 first sounded?

24 A. Yes.

25 Q. Okay.

1 And when you heard the alarm, did you turn your body?

2 A. Yes.

3 Q. Okay.

4 And were you looking through the door when you exited
5 the room?

6 A. I had to be. I mean, I was -- I think I was just looking
7 to go to answer the alarm.

8 Q. And I think Plaintiff's Exhibit-34 has been already been
9 moved into evidence.

10 THE COURT: Was that? Yes.

11 THE DEPUTY COURT CLERK: It's the engineering room.

12 MR. JOSEPH: By the way, I should have moved
13 Exhibit-22 into evidence.

14 THE COURT: Any objection?

15 MR. BUCHSBAUM: No objection, Your Honor.

16 THE COURT: P-22 in evidence. I'm sorry D-22.
17 (Defendant's Exhibit D-22 in evidence.)

18 MR. JOSEPH: Yes, D-22.

19 THE WITNESS: When I walked in that room, I'm -- I
20 believe he was looking on the top, but somewhere I was looking
21 down the bottom and, you know, I can't remember. Everything
22 happened so fast.

23 BY MR. JOSEPH:

24 Q. Do you recall when you entered the room whether you were
25 looking at the threshold?

1 A. No, I don't recall.

2 Q. Okay.

3 But you were able to enter the room without tripping;
4 is that accurate?

5 A. That's accurate.

6 Q. Mr. Hinson, is it true that alarms go off on ships all
7 the time?

8 A. 24 hours a day.

9 Q. They can go off for a variety of reasons?

10 A. Yes.

11 Q. They can be triggered by temperature being out of range?

12 A. Temperature, pressure, anything.

13 Q. Okay.

14 And you did not know the purpose of this alarm when
15 it went off; is that correct?

16 A. That's correct.

17 Q. Do you always sprint to an alarm every time one goes off?

18 A. Oh, yeah.

19 MR. BUCHSBAUM: Objection.

20 THE COURT: Sustained. I don't think he said he
21 sprinted, but you can rephrase the question.

22 BY MR. JOSEPH:

23 Q. Do you generally run every time an alarm goes off?

24 MR. BUCHSBAUM: Objection.

25 THE COURT: Sustained. I don't think he said he ran.

1 BY MR. JOSEPH:

2 Q. Have you ever reapplied for a Coast Guard medical
3 certificate after you tripped, Mr. Hinson?

4 A. I'm not too sure. I might have went down to Dana Beach
5 and I needed the -- the -- to complete this course and add it
6 up and send it to Coast Guard.

7 Q. And do you know if you've ever been denied a request for
8 a medical certificate from the U.S. Coast Guard?

9 A. At one time they wanted me to -- they wanted me to do a
10 biopsy because I had hepatitis C.

11 Q. After you tripped, were you ever denied a request for
12 medical certificate?

13 A. No.

14 Q. And after the incident you returned to the Denebola to
15 work for approximately about a month; is that accurate?

16 A. No. I didn't go to the Denebola to work. I went to the
17 Antares.

18 Q. Okay.

19 And you were working on it for about a month?

20 A. Yes.

21 Q. Okay.

22 And during that time, did you receive assistance with
23 your work?

24 A. Yes.

25 Q. Did the ship provide you with assistance to work?

1 A. Yes.

2 Q. And they assigned someone to help you with certain tasks?

3 A. Yes.

4 Q. Okay.

5 And you were able to complete some of your job tasks;
6 is that correct?

7 A. With the help of somebody.

8 Q. Okay. And you've not worked at all since your discharge
9 from the Antares on July 7th, 2016; is that accurate?

10 A. That's correct.

11 Q. You've not looked for employment since that time?

12 A. No.

13 Q. Okay.

14 MR. JOSEPH: I have no further questions.

15 THE COURT: Any redirect?

16 MR. BUCHSBAUM: No, Your Honor.

17 THE COURT: Okay. I just have a couple of questions,
18 sir.

19 Which is the exhibit with the lip with the red and
20 the white?

21 MR. BUCHSBAUM: I think it's P-2, Your Honor.

22 THE COURT: P-2. Is that it? Yes.

23 Sir, I'm confused. As I'm looking at this, it looks
24 like the coaming or the curve or the lip or the threshold is
25 painted white; is that correct?

1 THE WITNESS: That's correct.

2 THE COURT: Was that the way it was on the date of
3 the trip and fall?

4 THE WITNESS: Yes.

5 THE COURT: Okay. So that white part wasn't painted
6 red, correct?

7 THE WITNESS: Right.

8 THE COURT: And, sir, what -- tell me about the pain
9 you experienced as you were lying on the ground from a
10 1-to-10, 10 being the most, 1 being the least.

11 THE WITNESS: It was 10.

12 THE COURT: Ten.

13 And the month after when you were back at work, how
14 was the pain then generally over those 30 days?

15 THE WITNESS: It just kept increasing.

16 THE COURT: Well, it was a ten, which is the most,
17 the date of the incident. Was it always around a ten?

18 THE WITNESS: Yes.

19 THE COURT: Then at some point you went to the doctor
20 and they -- they did the MRI and then they scheduled you for
21 surgery; correct?

22 THE WITNESS: Yes.

23 THE COURT: So the day after the surgery, how was
24 your pain on a 1-to-10?

25 THE WITNESS: It was about 8.

1 THE COURT: Eight.

2 And then you were going for physical therapy. How
3 was the pain? Around an eight? Did it get any better? Did
4 it get worse?

5 THE WITNESS: It got a little better down to about
6 seven.

7 THE COURT: Seven.

8 THE WITNESS: You know.

9 THE COURT: And how about generally today? And I
10 don't mean as you're sitting here right now. I mean generally
11 on a 1-to-10, how is it?

12 THE WITNESS: I'd say about a five.

13 THE COURT: About a five.

14 THE WITNESS: I can't put my arm up like this because
15 it hurts. I have to keep it hanged down.

16 THE COURT: Describe the pain. Is it a throbbing
17 pain? A sharp pain? A dull pain?

18 THE WITNESS: It's a very sharp pain.

19 THE COURT: Sharp pain. Does it come and go? Do you
20 get spurts when it hits?

21 THE WITNESS: Yeah. It just stays there.

22 THE COURT: It just stays there.

23 THE WITNESS: It just stays there.

24 THE COURT: Do you take any medication now, any
25 Motrin or Tylenol?

1 THE WITNESS: Motrin and Aleve.

2 THE COURT: About every day?

3 THE WITNESS: I try to do it every other day or every
4 three days. I don't want to get too involved with the
5 over-the-counter stuff.

6 THE COURT: Before this accident, tell me some of the
7 things you used to like to do outside of work, understanding
8 that you're on the ship --

9 THE WITNESS: Right.

10 THE COURT: -- a lot. Any hobbies or --

11 THE WITNESS: Oh, yeah. I used to play paddle ball.
12 I used to go out to the gun range in Lakewood and shoot, you
13 know. I used to go bowling with my brother.

14 THE COURT: Okay.

15 THE WITNESS: Row boating on lakes and stuff.
16 Fishing. You know. I like doing things in the house, you
17 know, putting up molding, painting, you know, sanding wood.

18 THE COURT: How about since this? Have you played
19 paddle ball?

20 THE WITNESS: No.

21 THE COURT: Gone bowling?

22 THE WITNESS: No.

23 THE COURT: Row boat?

24 THE WITNESS: No.

25 THE COURT: Fishing?

1 THE WITNESS: No activities.

2 THE COURT: No activities?

3 THE WITNESS: No.

4 THE COURT: You used to enjoy doing those things?

5 THE WITNESS: Yes.

6 THE COURT: Okay. You may step down. Thank you.

7 THE WITNESS: Thank you.

8 THE COURT: With the Court's thanks.

9 Do you have another witness, counsel?

10 MR. BUCHSBAUM: Yes, Your Honor.

11 THE COURT: Are you ready to go? Do you want to take
12 a break?

13 MR. BUCHSBAUM: Take ten minutes?

14 THE COURT: Is that okay, counsel.

15 MR. JOSEPH: Yes, Your Honor.

16 THE COURT: Ten minutes. Who do we have next?

17 MR. BUCHSBAUM: We have plaintiff's maritime expert,
18 Ken Fisher.

19 THE COURT: Okay. Anybody else today?

20 MR. BUCHSBAUM: No. We can play the doctor's
21 videotape deposition.

22 THE COURT: How long do you think this expert is
23 going to take?

24 MR. BUCHSBAUM: Probably about the same, maybe a
25 little less.

1 MR. BROWN: Similar, yes, Your Honor.

2 THE COURT: Okay. Thank you.

3 (A short recess occurred.)

4 THE COURT: Counsel, do you have another witness?

5 MR. BUCHSBAUM: Yes, Your Honor. Plaintiff calls
6 Kenneth Fisher.

7 (**KENNETH FISHER**, HAVING BEEN DULY SWORN/AFFIRMED, TESTIFIED AS
8 FOLLOWS:)

9 THE DEPUTY COURT CLERK: State your name.

10 THE WITNESS: Kenneth Fisher, F-I-S-H-E-R.

11 THE DEPUTY COURT CLERK: Thank you very much.

12 THE COURT: Welcome, sir. You may be seated.

13 THE WITNESS: Thank you.

14 THE COURT: You can proceed, counsel.

15 MR. BUCHSBAUM: Thank you, Your Honor.

16 (DIRECT EXAMINATION OF KENNETH FISHER BY MR. BUCHSBAUM:)

17 Q. Good morning, Dr. Fisher.

18 A. Good morning, sir.

19 Q. Are you currently employed?

20 A. Yes, I am.

21 Q. By whom?

22 A. Fisher Maritime Consulting Group.

23 Q. What is the business of Fisher Maritime Consulting Group?

24 A. We are consulting naval architects, marine engineers, and
25 project management.

1 Q. For how long have you been so employed?

2 A. 43 years.

3 Q. Can you tell us your educational background, which I've
4 put up on the screen for your ready reference?

5 A. I studied as an undergraduate after high school. I
6 studied naval architecture and marine engineering and got a
7 degree in both in 1964 from Webb Institute of Naval
8 Architecture.

9 Q. Where was that located?

10 A. Glen Cove, Long Island, New York.

11 THE COURT: Counsel, for the record, I reviewed his
12 C.V. It was submitted. I've reviewed the report. Can we
13 stipulate that he is an expert without going through his
14 qualifications, which are extensive and impressive? So why
15 don't you proffer him for the area that you want him to be
16 able to give expert opinion in.

17 BY MR. BUCHSBAUM:

18 Q. Dr. Fisher, what do you consider yourself an expert in?

19 A. Project management and project preparation for ship
20 maintenance, repair, and design.

21 Q. Marine architecture?

22 A. Naval architecture and marine engineering both regarding
23 ship maintenance, ship repair, ship construction, and ship
24 design.

25 Q. Now, there's been some issue raised about your expertise,

1 or lack thereof, in human factors. Can you explain anything
2 to do with human factors in your experience or credentials?

3 A. Yes. When preparing specifications, be it for any of the
4 repair or maintenance or ship construction, human factors have
5 to be considered. The people who prepare the specifications
6 and the drawings are not experts in human factors, so they
7 turn to experts who are to say what standard I should be
8 using.

9 Same thing, for example, if you're going to repair
10 radar. The marine engineering person doesn't write the
11 specification for overhauling the radar. He returns to radar
12 specialists and says what standard shall we use for
13 overhauling it.

14 So regarding human factor areas, the people preparing
15 the specifications for ship maintenance or repair or
16 construction turn to appropriate standards that have been
17 developed by people who are expert in human factors. So they
18 look for those standards to incorporate into the
19 specifications.

20 Q. Do you consider yourself an expert in those
21 specifications?

22 A. I am certainly an expert in the preparation of
23 specifications as acknowledged by the fact that I wrote the
24 book, so to speak, on specification training or marine
25 engineering and ship design. I give a course that I designed

1 worldwide. I've given the course over 400 times worldwide to
2 over 6,000 people from different companies and organizations,
3 and they keep asking me to come back because they recognize
4 the expertise.

5 Q. But you have no formal education in human factors,
6 correct?

7 A. That's correct.

8 Q. The specifications that you rely on and have helped
9 design incorporate human factors considerations?

10 A. Absolutely.

11 Q. As part of your -- you were hired by our office in
12 connection with Mr. Hinson's case, correct?

13 A. Yes, yes, sir.

14 Q. And as part of your retention, you reviewed certain
15 documents which are listed in your report, which I'm sure --

16 THE COURT: We have.

17 BY MR. BUCHSBAUM:

18 Q. -- Judge Martinotti has reviewed?

19 THE COURT: Are you still doing qualifications or are
20 you going into his expert report at this point?

21 MR. BUCHSBAUM: I would tender Dr. Fisher as an
22 expert in the areas he just discussed.

23 THE COURT: Okay. Those areas would be ship
24 maintenance, repair, design, and construction. What other
25 areas?

1 THE WITNESS: And the preparation of specifications
2 for them. That's it.

3 THE COURT: Okay.

4 Counsel, would you like to question the witness as to
5 his qualifications to be deemed an expert in those areas?

6 MR. BROWN: Your Honor, I have no questions for this
7 witness insofar as he's being proffered as an expert in the
8 areas of naval architecture or preparing specifications for
9 ship construction or design.

10 THE COURT: Okay.

11 The witness will be so qualified and may render
12 opinions in his area of expertise.

13 MR. BUCHSBAUM: Thank you, Your Honor.

14 BY MR. BUCHSBAUM:

15 Q. Dr. Fisher, at our request, did you obtain clearance to
16 board the Denebola?

17 A. Yes, I did.

18 Q. Where was Denebola located?

19 A. It was located at Locust Point, Baltimore, Maryland.

20 Q. All right.

21 Prior to boarding the Denebola, did you do some
22 research into the Antares and the Denebola?

23 A. Well, I researched them to -- I knew from common
24 knowledge in the industry that they had been constructed for
25 SeaLand Service, a commercial cargo company. The class of

1 ships that SeaLand called them was the SL-7's, and I was aware
2 of their design, of the nature of the power plants, the nature
3 of the cargo system. And I was also then aware that at one
4 point they had been transferred to the U.S. Navy to become a
5 reserve ship and had been modified during the course of that
6 conversion.

7 Q. Were they built by the same builder?

8 A. No. One was built in Germany. One was built in the
9 Netherlands in the 1970s.

10 Q. At some point, were these vessels, the Antares and the
11 Denebola, refitted in order to carry military type cargo?

12 A. Yes. The Navy required extensive modification of the
13 ships, and those modifications were done for those two ships,
14 in fact, at two separate shipyards.

15 Q. There's been testimony that they are known as sister
16 ships. What is a sister ship?

17 A. A sister ship is when two or more ships are constructed
18 using the same contract plans and specifications, which are,
19 you know, only the thin end, the small end of a -- of a much
20 bit of task to create drawings and specifications. So the
21 contract drawings and contract specifications that are used
22 for the same ships, for the sister ships, don't have all the
23 details. Don't have many details at all. But then each
24 shipyard that builds the ships has to add a lot more details
25 and add what we call detailed drawings or working plans.

1 So the sister ship means it starts with the same
2 contract plans, which shows the shape of the hull, the major
3 subdivision, where the major bits of steel go. Shows where
4 the major machinery components will go. Okay. The
5 configuration of the deck house and so forth. But the details
6 are not there yet in the contract documents, and those get
7 added later by the shipyard that constructs the ship.

8 Q. Does that mean the two ships are identical in everything?
9 Are they mirror images?

10 A. Not at all. Far from it. It just means that the shape
11 of the hull, the major subdivisions and the major machinery
12 components will be the same. Maybe not even the same brand
13 name but the same location.

14 But then each shipyard has to develop many, many
15 additional details. For example, with the SL-7's, as they
16 were originally built, they were probably in the order of 120
17 to 150 contract drawings, and these same contract drawings are
18 used for all of those sister ships. There was several of them
19 built. But each shipyard that built them has to then add a
20 lot of detail drawings. Typically I'd expect it would be
21 about 800 to 900 additional detail drawings done individually
22 for each shipyard. Okay. Because they will be different from
23 shipyard to shipyard, the details, because there's lots of
24 reasons why the shipyard chooses the details.

25 The important thing to remember is that these details

1 have to satisfy regulatory and classification requirements,
2 but otherwise the shipyard's free to do it any way they
3 please, as long as it's still consistent with the rest of the
4 contract documents. That's why we end up with ships which are
5 -- other than these major features -- not identical at all.

6 Q. Now, you reviewed Mr. McAvoy's report. That's
7 defendant's maritime expert, correct?

8 A. Yes, yes, I did.

9 Q. I'll direct your attention to Exhibit-4 in evidence,
10 which is on the screen, which shows the two different sills,
11 one on Denebola after repainting and one on the Antares after
12 repainting. Are the two repaints identical in every respect?

13 A. No, not at all.

14 MR. BROWN: Objection, Your Honor.

15 THE COURT: What's the objection?

16 MR. BROWN: Your Honor, he's making reference to the
17 repainting on board the Denebola, the ship in which the
18 accident occurred. This gets into calling for remedial
19 measures. That's not admissible in evidence.

20 MR. BUCHSBAUM: I'm not looking for remedial
21 measures. I'm just trying to point out differences in two
22 quote-unquote sister ships.

23 THE COURT: I'm going to allow it for that purpose,
24 not for remedial measure.

25 MR. BROWN: If I may respond briefly, Your Honor, I

1 think if it's a comparison, the appropriate photograph would
2 be the photograph with the white that had the red under it,
3 which was the condition at the time, and then to juxtapose
4 that with the painting condition on the sister ship as opposed
5 to showing the remedial condition on the Denebola.

6 MR. BUCHSBAUM: Let me lay a foundation.

7 THE COURT: Okay. Go ahead. I'm going to give you
8 some latitude.

9 MR. BUCHSBAUM: Thank you.

10 BY MR. BUCHSBAUM:

11 Q. Dr. Fisher, in addition to contract designs and the
12 actions of ship builders and yards, over time do crew members
13 on board vessels make -- paint various items on board the
14 ship?

15 A. From time to time, for purposes of economy and
16 convenience, the ship owner or ship operating organization may
17 choose to have the ship's crew do some routine, fairly simple
18 to accomplish maintenance work aboard the ship.

19 Q. And I want you to assume that the various crews painted
20 what's shown in Exhibit-4. Are the paintings of the sill in
21 Exhibit-4, the bottom two photographs, the same or are they
22 different?

23 MR. BROWN: Objection. Lacks relevancy.

24 THE COURT: I'm sorry. Lacks?

25 MR. BROWN: Relevancy.

1 THE COURT: Again, it's a hypothetical situation.
2 I'll give it whatever weight it's worth. Go ahead.

3 THE WITNESS: There is a marked difference here.
4 While structurally the two sills appear to be about the same
5 height, the markings of them -- the painting of them as shown
6 here are very different. The one on the left, which is the
7 Denebola, Denebola, the coaming is the same as the deck in
8 front of it. Whereas on the Antares, the picture on the
9 right, the coaming is a color which is different from the deck
10 next to it.

11 BY MR. BUCHSBAUM:

12 Q. As part of your review of documents, you reviewed various
13 Coast Guard documents and various classification documents. I
14 think we understand what the Coast Guard is. Can you explain
15 to the Court what a Classification Society is?

16 A. A Classification Society is an independent set of naval
17 architects and engineers and other kinds of engineers,
18 electrical, mechanical, structural, who review the design and
19 maintenance of ships independently in order to confirm the
20 ships are in reasonably good condition, which the insurance
21 companies like to know about from an independent perspective.
22 So they serve that segment of the market.

23 Q. What does it mean to say a ship is in class?

24 A. What it means, if you read Classification's own rules, I
25 know it sounds a bit awkward, but what the rules say is that a

1 ship in class reasonably satisfies their own interpretation of
2 their own rules, and specifically declares that being in class
3 does not represent that the ship is tight, staunch, strong, or
4 seaworthy in any regard. This is the AVS classification
5 rules.

6 Q. As part of your review, you reviewed Defendant's
7 Exhibit-10, which I have on the screen.

8 A. Yes. Certificate of Inspection.

9 Q. What is Exhibit-10?

10 A. This is -- the U.S. Coast Guard issues a Certificate of
11 Inspection, if appropriate, for commercial ships, okay, which
12 attests to the fact that the ship reasonably complies with
13 Coast Guard regulations, which appear in the Code of Federal
14 Regulations.

15 Q. Are there any Coast Guard regulations applicable to the
16 sill or lip that we've been talking about?

17 A. Not on vessels. The Coast Guard has its own standards to
18 apply to its own ships, but the Coast Guard does not have any
19 standard. There's no regulation in the CFR's or even
20 elsewhere which talks about how the sills should be painted or
21 marked.

22 Q. Is there anything on Defendant's Exhibit-10 which
23 indicates that the sill we've been talking about was
24 inspected?

25 A. No. The sill was never inspected. It wouldn't have been

1 inspected. It's not part of the inspection protocol for
2 Certificate of Inspection of the ship. Some of the sills are,
3 but not this sill. The sills which are reviewed are the ones
4 which are addressed by regulation. Mainly the ones that come
5 from the weather deck to the interior passageways or interior
6 things. Those have to be a certain height.

7 Q. Can you explain what the weather deck is?

8 A. A weather deck is the outside where it can rain, where
9 the waves can wash up onto the deck and so forth. So there
10 are standards, there are regulatory requirements for how high
11 the sills or combings have to be at those doorways to keep
12 green seas from washing in.

13 And also, on even higher decks where we don't worry
14 about the seas, but we just worry about the accumulation of
15 rain and spray, there's also standards, but the standards are
16 for slightly lower sills. But those are the ones that the
17 Coast Guard regulates whereas they don't regulate interior
18 ones that are nowhere near the exterior of the ship.

19 Q. There's nothing in Exhibit-10 which indicates the lip was
20 inspected or that it was found to be in compliance with any
21 standard?

22 A. Absolutely correct.

23 Q. All right.

24 Let's pull up U.S. -- Defendant's Exhibit-21.

25 Can you explain to the Court what this document is?

1 A. This is a Certificate of Documentation which is the
2 formal identification of who owns the ship.

3 Q. Is there anything in this exhibit, Defendant's
4 Exhibit-21, indicating that the lip we've been talking about
5 was inspected or that it was in compliance?

6 A. No. This has nothing to do with the condition of the
7 ship. This just has to do with ownership of the vessel.

8 Q. I'm pulling up Defendant's Exhibit-6. Can you tell us
9 what Exhibit-6 is? This is D-6.

10 A. This is a certificate from the American Bureau of
11 Shipping, ABS, a classification organization, which is hired
12 and paid to review the design and maintenance of the ship to
13 say if it's in class or not in class. This just says that the
14 -- this case -- somewhere here it will mention the name of the
15 vessel. Excuse me. This is only looking at the safety
16 management system that there's -- under the International
17 Treaty there's codes for the management of ships, oceangoing
18 ships that go in international waters, and this just says that
19 the American Bureau of Shipping has reviewed the safety
20 management system --

21 Q. Let me just cut you off. The question is, anything in
22 this document, Exhibit-6, Defendant's Exhibit-6 indicating
23 that the lip or the sill was inspected or that it was in
24 compliance?

25 A. No, it has nothing to do with the condition of the ship.

1 Just has to do with some management systems.

2 Q. Okay.

3 Let's move on to Defendant's Exhibit 7. The same
4 question. Anything in this document indicating that the lip
5 or sill that we've been talking about was inspected by the
6 Coast Guard or was in compliance?

7 A. No. This just speaks about their management of
8 environmentally sensitive issues.

9 Q. Moving on to Exhibit-9, which is hard to read, but it's
10 something that you have reviewed, correct?

11 A. Yes, but I've reviewed -- I don't remember what this
12 one's about.

13 Q. It's just a list of items. Well, anything in this that
14 indicates that the sill was inspected or found to be in
15 compliance?

16 A. I'm sorry. I don't recall who prepared this document, so
17 I can't not --

18 Q. Well, it's listed by defendant as ABS findings.

19 A. It's the ABS. I'm sorry. I can not read a single word
20 on it.

21 Q. Let me see if I can make it bigger.

22 A. Go one step bigger. Thanks.

23 Q. Bigger.

24 A. Oh, here we are. This had to do that they reviewed --
25 ABS reviewed the things on the ship that they reviewed to

1 confirm that it's in reasonably good condition and reasonably
2 complies with their own interpretation of their own rules
3 here. Here they're talking about certain things need to be
4 repaired or maintained and other things are in good shape.
5 But none of these -- none of these address the sill.

6 Q. Finally, D-11. Anything in there indicating that -- even
7 though it's a Certificate of Classification -- that the sill
8 was inspected or found to be in compliance?

9 A. No, not at all. Because ABS's rules certifies, of
10 course, that it reasonably complies with ABS's interpretation
11 of its own rules, and ABS rules could not address the height
12 of those sills.

13 Q. You boarded the Denebola. Do you know what date that
14 was?

15 A. November 1st, 2018.

16 Q. You took certain measurements of the sill, correct?

17 A. Yes, I did.

18 Q. Let me see if I can pull that up. Referring you to page
19 3 of your report.

20 A. My report of September -- December 11, 2018.

21 Q. I have it up on the screen. Can you explain to the Court
22 the measurements that you took?

23 A. Well, these are the measurements looking at the doorway,
24 you know, with the sill on which Mr. Hinson tripped. So those
25 are the measurements. It's a 30-inch wide opening. The

1 bottom of the sill is flat for 16 inches, and has a seven-inch
2 radius on either end for a total of 30 inches. The coaming is
3 six-and-a-quarter inches above the deck, the top surface of
4 the coaming.

5 Q. At the time you had inspected the sill, it had been
6 repainted, correct?

7 A. Yes, it had been.

8 Q. All right. Were you able to determine the painting as it
9 existed on the date of Mr. Hinson's accident, and if so, how
10 were you able to determine that?

11 A. Yes. I was provided a photograph of the sill at the time
12 of the accident.

13 Q. And that's Exhibit-4 in your report, which we have on the
14 screen now, correct?

15 A. Yes.

16 Q. Were you --

17 A. I did not take that photograph.

18 Q. Right. That was provided to us, and Mr. Hinson has
19 testified -- and you were here for that testimony -- that
20 that's the way it looked at the time of his accident. Can you
21 explain what the painting was on that sill at the time of his
22 accident based on your inspection and how you determined that?

23 A. Yes. Well, I could see -- when I was there I could see
24 residual differentiation of where there was different colors
25 of paint previously. You could just tell by the thickness and

1 the coloration underneath the new paint. So I could determine
2 then that the white part of this photograph is
3 one-and-three-quarter inches high. And the rest of it, the
4 four-plus inches, is a different color, and -- according to
5 this exhibit here. So at the time of Mr. Hinson's accident,
6 the white part was one-and-three-quarter inches high, and
7 four-and-a-quarter inches or four-and-a-half inches was the
8 same color as the deck.

9 Q. So in other words, on one vertical piece of metal, you
10 had two different colors?

11 A. This is on the side looking out --

12 Q. Right.

13 A. -- from the room, not looking in.

14 Q. All right. But you had two different colors on the
15 vertical piece of metal looking out from the room?

16 A. Yes.

17 Q. And just one more time, what -- how many inches up from
18 the deck was the brown?

19 A. Four-and-a-half inches up, okay, and then the white part
20 was one-and-three quarters.

21 Q. Right on top --

22 A. Yes.

23 Q. -- of the brown portion?

24 A. Right.

25 Q. On one piece of metal?

1 A. Or red, as Mr. Hinson said.

2 Q. On one piece of metal?

3 A. Right.

4 Q. Okay.

5 Now, based on your experience in the industry and the
6 custom and practice in the industry, is this a safe way of
7 demarking a sill?

8 MR. BROWN: Objection, Your Honor. This calls for
9 testimony outside the witness's area of expertise.

10 MR. BUCHSBAUM: Your Honor, he's designed ships.
11 He's been on ships. He's seen other sills. He's familiar
12 with regulations for other vessels.

13 THE COURT: Well, doesn't this go to the design?

14 THE WITNESS: Yes, sir.

15 THE COURT: Counsel, hold on.

16 Doesn't this go to the design?

17 MR. BROWN: Your Honor, I don't think there's been
18 foundation that this witness has experience designing paint
19 schemes inside a ship. He's an architect that builds and
20 analyzes the structural strength on the ship.

21 THE COURT: Okay. Try to lay a foundation regarding
22 paint schemes.

23 BY MR. BUCHSBAUM:

24 Q. Dr. Fisher, have you -- are you familiar with paint
25 schemes on sills and coamings?

1 A. Absolutely, yes.

2 Q. How?

3 A. Because the specifications that when the shipyard or the
4 ship manager or whoever it is is determining where things are
5 to be painted, they have to talk about how it's to be painted.
6 So someone has to identify what the final arrangement of paint
7 colors, if they're multiple ones, should be. So the people
8 who write the specifications -- and that's what I train people
9 to do -- don't make up things on their own. They say is there
10 a standard we can use, and hand that standard to the people
11 who are going to paint and say paint in accordance with this
12 standard. And the answer is yes, there are standards for what
13 the colors of these sills should be, and they're not with this
14 kind of thing. They're with stripes so it's very
15 attention-getting.

16 THE COURT: Go ahead. Counsel.

17 MR. BROWN: Your Honor, just like that testimony
18 showed, the witness's experience is not in analyzing what
19 would be or would not be a safe paint scheme. The witness
20 takes an order for specifications of paint and makes sure
21 that's applied to a vessel that's constructed. Those are two
22 different sciences: Constructing vessels and applying
23 specifications on the one hand, and deciding what's a safe
24 paint scheme on the other hand.

25 THE COURT: Well, he indicates that he does get into

1 the design and the specs, and the specs include what the paint
2 scheme is. I guess try to lay a foundation whether or not
3 color is a part of that scheme.

4 BY MR. BUCHSBAUM:

5 Q. Dr. Fisher, are colors part of the scheme in designing
6 ships, and more particularly sills and lips such as we have
7 here?

8 A. Yes. Specification writers have to acknowledge that the
9 design of the paint scheme for sills or coamings is a human
10 factor's question. And since the specification writers are
11 not human factor's experts, they turn to people who have used
12 or are experts or people who have incorporated to show what
13 the results of the human factors experts have come to.

14 And so, in fact, what we do is we look at industry
15 custom and practice has turned to certain standards and said,
16 well, those standards were developed taking into account human
17 factors from human factors experts. So, therefore, that
18 implies that they are a safe mechanism. We'll use that
19 mechanism that comes from human factor's experts to
20 organizations which have published the standards as derived
21 from that. We'll use those standards.

22 THE COURT: Just for the record, I am satisfied that
23 the witness is qualified to render opinions in the area of
24 ship design, paint schemes, including colors, and human
25 factors.

1 You want to preserve your objection.

2 MR. BROWN: Your Honor, I'd like to reserve the
3 objection on the human factors piece in particular, and can
4 address it in cross.

5 THE COURT: Okay. Thank you.

6 BY MR. BUCHSBAUM:

7 Q. Dr. Fisher, again, is this a safe color scheme as shown
8 in Exhibit-4 in your report for that sill?

9 A. Let me put it this way. It is not safe if you accept the
10 other standards, the standards which talk about sill colors.
11 If you accept them as representing safe according to human
12 factor's experts, then this is definitely not safe.

13 Q. Why is it not safe?

14 A. The standards to which I refer talk about all of them --
15 I mean both of them in the U.S. talk about having stripes,
16 diagonal or vertical stripes to make it much more
17 attention-getting. So it's very easily identified for the
18 full height of the sill to be alternating colors so that
19 clearly the full height of the sill is appreciated from
20 anybody approaching it.

21 Q. And you included in your report such a sill which you
22 believe has been painted in a safe manner, right?

23 A. Yes, I did.

24 Q. And let me show you what's been marked in your report --
25 your report is Exhibit P-31. Exhibit 6 on page 8.

1 A. Yes, sir.

2 Q. Can you describe what is shown there?

3 A. Yes. This is a Coast Guard vessel, and you can see
4 looking through this passageway here two sills, one in the
5 foreground one in the background, both of which have been
6 painted in accordance with the Coast Guard standard for what
7 they apply to their own ships. You can see it's alternating
8 colors of yellow and black. Okay. And those colors both
9 contrast with the deck next to them, which is a red. So this
10 makes it more highly visible. So this is why I would say this
11 is safe because after lots of research and evolution of
12 industry custom and practice, this is what people have found
13 provides for safe passageway.

14 Q. You mentioned certain standards that you're familiar
15 with. Please explain to the Court what those standards are.

16 A. Well, the standards that industry uses routinely are
17 actually developed initially by the U.S. Navy and the U.S.
18 Coast Guard for their own ships because they don't have
19 authority to command. For example, the Navy can't command
20 what should go on a commercial ship. But having put the
21 research and effort into developments of their standards for
22 their own ships, what we look for commercially is standards
23 which will do the job but which can be implemented at
24 reasonable cost. Well, certainly the cost of painting the
25 sill with alternating stripes is not much different, if any,

1 from painting it with white on top and red on the bottom.

2 So this would be a safe standard to use. Okay. So
3 commercially we accept what was developed first for the Navy
4 and Coast Guard for their own ships, but because it's easily
5 applicable in a commercial setting, commercial organizations
6 don't develop their own standards. We've already got usable
7 standards. ABS doesn't develop a standard. There's already a
8 well-defined standard. So they just expect people to use
9 that.

10 Q. The custom and practice in the maritime industry to paint
11 sills, coamings, whatever you want to call them, yellow with
12 stripes --

13 A. In passageways.

14 MR. BROWN: Objection, Your Honor. The witness does
15 not have the qualification to define the custom and practice
16 in the maritime industry for painting sills. There's no
17 foundation for that.

18 MR. BUCHSBAUM: May I lay a foundation, Your Honor?

19 THE COURT: Go ahead. Try. Sustained with
20 exception.

21 BY MR. BUCHSBAUM:

22 Q. Dr. Fisher, are you familiar with the paint schemes on
23 sills and coamings on vessels generally in the maritime
24 industry?

25 A. Absolutely.

1 Q. How?

2 A. Well, besides having seen and been on dozens and dozens
3 of ships, when I teach the course on specification writing, I
4 keep pointing to the fact that the specification writers
5 should look for standards which are already in use in the
6 industry in custom and practice that have worked for
7 everybody. You know, I point to the fact that you can use
8 standards developed by noncommercial organizations if they are
9 easily implementable in a commercial world.

10 MR. BROWN: If I may, Your Honor, the witness has
11 just pointed to two things there. One, that he puts out in a
12 course that he thinks people should do in the industry. And
13 two, what he's observed on dozens and dozens of ships. I
14 don't think that those things combined make him an expert
15 qualified to testify about the custom and practice for
16 painting all sills in the maritime industry.

17 MR. BUCHSBAUM: Your Honor, not all sills. I'm
18 talking about based on his experience and what he's seen on
19 other ships and his review of specifications, is there a
20 custom and practice in the industry for painting sills.

21 MR. BROWN: Your Honor, if he were to give that
22 testimony, it would be based on his anecdotal experience on
23 dozens and dozens of ships, but not based on any kind of
24 scientific --

25 THE COURT: Sustained. That objection is sustained.

1 You can move on.

2 BY MR. BUCHSBAUM:

3 Q. Dr. Fisher, based on your review of the documents
4 provided to you, your inspection of the vessel, hearing Mr.
5 Hinson testify this morning, do you have an opinion with a
6 reasonable degree of certainty or probability as to the cause
7 of Mr. Hinson's accident?

8 MR. BROWN: Objection, Your Honor. He is not called
9 as an accident reconstruction expert or someone qualified to
10 give the final conclusion of what caused the trip and fall in
11 this case. He's a naval architect.

12 MR. BUCHSBAUM: Your Honor, he's -- would you like me
13 to respond?

14 THE COURT: Sure.

15 MR. BUCHSBAUM: He's stated in his report what he
16 believed the underlying cause was. There's been no Daubert
17 motion to restrict his testimony other than the human factors
18 issue, which was raised today. He stated conclusions in his
19 report. He's been deposed. He has 46 years of experience in
20 the maritime industry. His C.V. lists dozens of cases where
21 he's expressed opinions as to causes of maritime personal
22 injury accidents, and I think he's more than qualified to
23 render an opinion on this issue.

24 THE COURT: Go ahead.

25 MR. BROWN: Your Honor, the opinion I understand

1 that's about to be elicited is the witness's visual
2 perception. He has no experience to give Rule 702 testimony
3 about what the witness perceived or how his brain would have
4 processed that picture.

5 MR. BUCHSBAUM: Your Honor, he heard the witness's
6 testimony this morning.

7 THE COURT: Well, he's rendered reports. He's been
8 deposed. This certainly is not a surprise to anyone. You can
9 certainly cross him on it, but this is his opinion based on
10 his experience in design, et cetera, of ships, and safety
11 measures in ships as it relates to this witness's testimony
12 that he's reviewed. I'm going to allow it and give it
13 whatever weight it's worth. Go ahead.

14 BY MR. BUCHSBAUM:

15 Q. Please.

16 A. I have to make three -- three things related to this.
17 Number one, I just want to point out that I've been speaking
18 about internal sills, not the sills on the weather decks.

19 Number two, the paint scheme that was in front of Mr.
20 Hinson when he fell denied him the opportunity to be protected
21 by the paint scheme of sills that have been identified by
22 other organizations using human factors backgrounds to be safe
23 and usable and easily implement able in the commercial world.
24 So he's denied the opportunity to be exposed to a safely --
25 what I'll call safely painted sill. Safely is defined by

1 those standards.

2 The third thing is not only was he denied the
3 opportunity, but he was given what, to me, looks to be
4 misrepresentation because a quick glance at it, when you're
5 walking and you quickly glance at it, perhaps, okay, but if he
6 did quickly glance at it, then he would have thought that the
7 sill was only one-and-three quarters inch in height or
8 thereabouts, not a full six-and-a-quarter inches.

9 So he is first denied the opportunity to see a safe
10 looking sill in the paint scheme. Second, then he was given a
11 misleading skill -- a misleading paint scheme, rather.

12 MR. BUCHSBAUM: Nothing further. Thank you.

13 I just have to offer Dr. Fisher's report, which is
14 P-31, in evidence, Your Honor.

15 THE COURT: Any objection to the report coming in?

16 MR. BROWN: No objection, Your Honor.

17 THE COURT: Report's in evidence. P-31.

18 (Plaintiff's Exhibit P-31 in evidence.)

19 MR. BUCHSBAUM: And also the Coast Guard documents
20 that I referred to, which are defendant's exhibits 10, 21, 6,
21 7, 9, and 11.

22 MR. BROWN: No objection, Your Honor.

23 THE COURT: 10, 21, 6, 7, 9, 11 in evidence.

24 (Defendant's Exhibits 10, 21, 6, 7, 9, and 11 in evidence.)

25 MR. BUCHSBAUM: Thank you.

1 THE COURT: Hold on one second.

2 Cross-examine?

3 THE DEPUTY COURT CLERK: D-6 is in then?

4 THE COURT: D. Yes, without objection.

5 MR. BROWN: Thank you, Your Honor.

6 (CROSS-EXAMINATION OF KENNETH FISHER BY MR. BROWN:)

7 Q. Dr. Fisher, my name is Thomas Brown. I'm an attorney
8 with the United States government representing the defendants
9 in this case.

10 You do not consider yourself to be a human factors
11 expert, correct?

12 A. That's correct.

13 Q. You're not the human factors expert to which ship
14 designers would consult or refer when they were developing the
15 specifications you discussed in your direct testimony,
16 correct?

17 A. That's correct.

18 Q. Your role as the naval architect in that loop was to take
19 human factors specifications a human factor expert built and
20 then see that they got applied on board a ship; is that
21 correct?

22 A. Well, there was another organization in between, but yes.

23 Q. And you don't have any expertise in the science that was
24 underlying the work of those human factors experts in
25 developing those standards, correct?

1 A. No. I regard them as experts like I'd regard a radar
2 technician as an expert and so forth.

3 Q. So you defer to them in any understanding or application
4 of the field of human factors, correct?

5 A. Well, I only know about on ship board's purposes, and
6 that's all I can do.

7 Q. You haven't written any publications in human factors,
8 correct?

9 A. No.

10 Q. You don't have any formal education in the science behind
11 human factors, correct?

12 A. That's correct.

13 Q. Do you know what steps an expert in human factors would
14 take when investigating an accident?

15 A. I have to ask them.

16 Q. Do you have any scientific measures of Mr. Hinson's
17 psychological state at the time he heard the alarm and tripped
18 over the door?

19 A. Outside my area of expertise.

20 Q. You have not sailed as a professional marine engineer
21 correct, sir?

22 A. I sailed as a cadet many years ago, and that's the extent
23 of my professional experience as a member of a crew.

24 Q. So you have neither scientific nor personal anecdotal
25 experience to how Mr. Hinson would respond to hearing a horn

1 in his engine room, correct?

2 A. Could you separate that out?

3 Q. Do you have -- well, I already asked you, sir. You have
4 no scientific measures of Mr. Hinson's physiologic response
5 when hearing that horn, correct?

6 A. No scientific.

7 Q. That's correct, right, sir?

8 A. That's correct.

9 Q. And you have no personal experiences because you've not
10 ever sailed as a professional marine engineer with how a
11 marine engineer would respond when hearing a horn, correct?

12 A. Wrong.

13 Q. In what way do you, as a person who's never sailed as a
14 professional marine engineer, understand how Mr. Hinson would
15 respond when hearing the horn?

16 A. Because I was very impressed when I was a cadet on watch
17 in the machinery space of a steam-powered cargo ship on Winter
18 North Atlantic when the Chief Engineer -- I was on night
19 watch -- Chief Engineer comes running down, having detected an
20 alarm that we hadn't heard, and how he responded. And he was
21 a seasoned Chief Engineer.

22 And so after taking care of the issue, when I was
23 sitting with him at lunch the next day, I remember talking to
24 him about this at length.

25 Q. During that lunch you were a cadet, correct, sir?

1 A. I was a cadet.

2 Q. A cadet is a trainee, like an intern on board a ship,
3 correct?

4 A. I was paid to do services. It was called a cadet, but I
5 was paid.

6 Q. You were a trainee or an intern aboard the ship, correct,
7 sir?

8 A. I was a cadet. I don't know -- I haven't put any other
9 name to it. I was a cadet. I had a Z card, which is a Coast
10 Guard's documentation, and I was paid. So call it whatever
11 you want.

12 Q. As a cadet, were you filling any billet on the ship that
13 the ship needed filled to sail?

14 A. I don't know. I didn't look at the certificate of
15 inspection, but I stood watch, you know, in machinery space.

16 Q. You don't know, after testifying about certificates and
17 documents on this screen here, whether ships ever required
18 cadets -- excuse me -- the Coast Guard ever requires a cadet
19 on a CLI?

20 A. That's not my area of expertise.

21 Q. Okay.

22 You, sir, are not a human visual perception expert,
23 correct?

24 A. That's correct.

25 Q. Do you know what steps an expert in human visual

1 perception would take in investigating an accident and
2 formulating opinions?

3 A. No, of course not.

4 Q. As a naval architect, have you studied the science of
5 visual physiology?

6 A. Not any more than to read what has evolved from the human
7 factors experts.

8 Q. As a naval architect, have you studied the science of
9 light adaptation?

10 A. No, sir.

11 Q. Do you have any specific knowledge of the lighting that
12 was in the log room at the time Mr. Hinson tripped?

13 A. Only what I see from the photographs.

14 Q. The photographs taken after the accident?

15 A. Well, there's one taken before -- well, yes, excuse me.
16 The one that shows the white stripe was, in fact, after the
17 accident but before there had been any modification to the
18 paint.

19 Q. That's your only knowledge of the lighting condition at
20 the time of the accident, correct?

21 A. I'm not certain that's correct because I didn't see any
22 evidence that the lighting had changed when I had inspected
23 the vessel.

24 Q. Okay.

25 A. In other words, I didn't see any new light fixtures. I

1 didn't see any evidence of modification of light fixtures.

2 Q. I'm trying to understand, are you offering any testimony
3 today other than as an expert in naval architecture?

4 A. Well, the specification preparation, certainly.

5 Q. If I understand correctly, sir, your opinion is that
6 there was nothing wrong with the height of the threshold
7 onboard Denebola at the time Mr. Hinson tripped over it; is
8 that correct?

9 A. I have not expressed an opinion about the height of it.

10 Q. Do you have an opinion whether there was anything wrong
11 with the height of the threshold onboard Denebola?

12 A. I have no opinion about that. I think I made it clear
13 that there was no need for such a sill. It was an option.
14 It's not required by regulation or classification. If someone
15 wants a sill there, they put a sill.

16 Q. Do you recall ever stating any opinion in the course of
17 developing this litigation whether or not the height of the
18 sill on Denebola was incorrect or wrong?

19 A. No, I have not expressed such an opinion.

20 Q. You have no opinion that the height was improper, just so
21 I understand you correctly, sir?

22 A. There was no proper or improper.

23 Q. Thank you.

24 Are you aware, sir, of any meaningful difference
25 between the height of the sill on Antares and the height of

1 the sill on Denebola?

2 A. With the accuracy of using a tape measure, they were the
3 same.

4 Q. They were the same, right, sir?

5 A. They appeared to be the same.

6 Q. So all the discussion of the fact that these two ships
7 were built in different shipyards and may not have been
8 perfect carbon copies, that doesn't matter to this case since
9 the sills on both were the same, correct?

10 A. The height -- you see, you're confusing two things.
11 You're saying "the sills," but there are multiple
12 characteristics about a sill.

13 Q. Let me break --

14 A. If you talk about the dimensional characteristics, then
15 they were the same.

16 Q. Let me -- to be very clear, and I appreciate that, sir,
17 let me just ask you about the height of the sill.

18 A. The dimension.

19 Q. Vis-à-vis their height, they matched, correct, sir?

20 A. The dimension of the sill, the dimensional height were
21 the same.

22 Q. So, again, just discussing dimensions and the height, the
23 fact that Antares and Denebola may not have been perfect
24 carbon copies has no bearing on this trip and fall case,
25 correct?

1 A. I think that's correct.

2 Q. So the only thing, other than height, that you might
3 discuss about this sill is that just the painting applied
4 thereto?

5 A. That's part of it.

6 Q. What else besides height and the paint scheme matters
7 about this sill, for your analysis?

8 A. Where things were kept on the ship. For example, the
9 chemicals kept in that space or out of that space. Where the
10 -- from where the alarm sounded. If those were the same, then
11 you're right. It's just the paint schemes.

12 Q. In the course of your experience as a naval architect,
13 have you ever designed a doorway opening?

14 A. I have not designed a doorway opening. I've specified
15 standard doorway openings, which were available from
16 manufacturers.

17 Q. Now, when you were retained in this case, your assignment
18 was to search and look for and find any regulatory standard
19 that would have required Denebola to have a particular paint
20 scheme, correct?

21 A. No, I was not given that assignment.

22 Q. After you were retained for this case, did you go and
23 look for any pertinent or applicable standard that would have
24 said how Denebola should have had that sill painted?

25 A. Yes, I did.

1 Q. When you looked, you looked at the standards of the
2 American Bureau of Shipping, which is the Classification
3 Society, correct, sir?

4 A. Among others, yes.

5 Q. And in looking at ABS rules and regulations, did you find
6 any standard that required a particular paint scheme on
7 Denebola's sill?

8 A. No, I did not.

9 Q. You also looked, sir, didn't you, at the Coast Guard's
10 regulations for commercial or civilian manned vessels,
11 correct?

12 A. Be careful. There are a number of military vessels which
13 also have civilian manning. Okay. And so I'm not trying to
14 differentiate. For example, the salvage slugs have both the
15 military crew aboard them and civilian crew, and I have not
16 reviewed to see whether or not the Navy applies its standards
17 to those. So I can only talk about vessels which are manned
18 solely by commercial people, not by a combination of military
19 and commercial.

20 Q. I appreciate that. Let's talk about Denebola. Denebola
21 was owned by the U.S. Maritime Administration, correct?

22 A. Yes.

23 Q. Denebola was not owned by the United States Navy,
24 correct?

25 A. Not at the time of Mr. Hinson's accident.

1 Q. Thank you.

2 Mr. Hinson was one of an entirely civilian crew,
3 correct?

4 A. That's correct.

5 Q. And more to the point, Coast Guard regulations in title
6 or part 46 of the Code of Federal Regulations pertained to
7 Denebola, correct?

8 A. Yes, they do.

9 Q. And in part 46 of the CFR, that's where you would look to
10 find any requirement for how to mark a sill or a commercial
11 vessel, correct, sir?

12 A. I did look to see if there were any.

13 Q. When you looked in part 46 of the CFR, or any other Coast
14 Guard regulations, did you find one that required Denebola to
15 have that sill painted in any particular way?

16 A. For the regulations which applied to that ship, the
17 answer is no.

18 Q. Are you aware of any Coast Guard regulations about how
19 markings to doorways or accesses should be on board industry
20 vessels?

21 A. You mean commercial vessels?

22 Q. Yes, sir.

23 A. No, I did not.

24 Q. Are you aware --

25 A. Excuse me.

1 Q. I didn't mean to cut you off.

2 A. Other than the navigation vessel and inspection circular,
3 I can't remember the number 92 or 82, something like that,
4 NVIC is published by the Coast Guard, and it gives
5 nonregulatory guidance to the industry. And they publish
6 these things I won't say regularly, but fairly regularly.
7 Okay. And the NVIC, which I'm thinking about, I don't
8 remember the number, says read these other industry standards
9 pertaining to human factors. Okay.

10 So while the Coast Guard doesn't require that there
11 be the painting of the skills -- of the sills in a certain
12 way, it does point to human factors engineering through the
13 NVIC's.

14 Q. Did you make reference to the NVIC or NVIC in your
15 report, sir?

16 A. I do not recall. I don't think so.

17 Q. My question to you wasn't about NVIC. It was about
18 regulations. Do we agree that a NVIC or NVIC is not a
19 regulation?

20 A. That's correct. It's guidance from the Coast Guard, but
21 not a regulation.

22 Q. And thank you.

23 My question was whether you found any Coast Guard
24 regulations that required Denebola to have that sill painted
25 in any particular way?

1 A. I did not find any such regulations.

2 Q. Are you aware that there are regulations in part 46 of
3 the CFR that require ships to mark watertight doors on both
4 sides with lettering of a specific height? Are you aware of
5 that, sir?

6 A. Yes.

7 Q. Okay.

8 Are you aware that there are also requirements in
9 that same part of the CFR for how to mark escape hatches on
10 board ships regulated by this part?

11 A. Yes. These have to do with survival of the crew in the
12 event of a casualty.

13 Q. So we agree that the maritime regulations from the Coast
14 Guard can and do contemplate required markings on doors and
15 accesses?

16 A. Wait a moment. They require such markings only if it
17 pertains to the survival of the crew in the event -- or the
18 passengers, whoever it is -- in the event of a casualty
19 whereas this sill has nothing to do with that at all, and it's
20 not even watertight.

21 Q. If I hear you correctly, sir, you're making a distinction
22 in what the rule-makers had in mind. That they would mean to
23 regulate doors that have survival of the crew in mind, but not
24 other doors that could present a less significant hazard?

25 A. Absolutely. That's the purpose of Coast Guard

1 regulations. Coast Guard regulations focus on survivability
2 and avoidance of casualties and survivability. They don't
3 focus on every aspect of the design and configuration of a
4 ship.

5 Q. And I'm curious --

6 A. So Coast Guard regulations have evolved over the years in
7 response to casualties or the potential of casualties,
8 watertight subdivision, fire safety, electrical safety, but
9 not for things which are irrelevant to survival.

10 Q. Have you ever been involved in the rule-making process of
11 the Coast Guard in drafting and passing regulations in that
12 part of the CFR?

13 A. No.

14 Q. What's the basis for your making that distinction that we
15 just discussed within that part of the CFR?

16 A. Which distinction? About survivability, you mean?

17 Q. You're trying to explain that the regulations require
18 certain markings for some types of doors but not for others.
19 What's your basis for reaching that opinion and conclusion
20 about how the CFR's are drafted?

21 A. Over the years the Coast Guard people themselves
22 published a magazine called *Proceedings*, which they publish
23 quite regularly, I think it's four times a year, discussing
24 the development of regulations that they're contemplating or
25 the implementation or the monitoring of regulations. And so

1 the Coast Guard itself regularly tells the public in the
2 *Proceedings*, that magazine, about what's happening with their
3 regulations and what's the purpose of them.

4 So that plus discussions at conferences and plus
5 acknowledgements from other sources, you can see that it's a
6 survival and safety question. It's not a question of markings
7 or other regulations pertaining to things which really don't
8 matter for survival or safety.

9 Q. But you never read an article in *Proceedings* that
10 explained that the Coast Guard's not going to regulate
11 internal doorways that present a tripping hazard in part 46 of
12 the CFR, did you?

13 A. Not specifically about the doors.

14 Q. Thank you, sir.

15 A. But I've read articles by the people from the Coast Guard
16 who were in charge of developments who always tell everybody
17 that they're focusing on the survival and safety of ships, and
18 they specifically talk about that they're not trying to
19 regulate everything.

20 Q. Dr. Fisher, we discussed your review of ABS standards and
21 the Coast Guard regulations. In addition to those things you
22 also looked at to recognize professional societies to see if
23 they had published any standards for how to mark this sill on
24 Denebola, correct?

25 A. Wait a moment, please. You misspoke. ABS doesn't have

1 standards. ABS has rules. And it's a different, you know, if
2 you want to get particular about it, so we're talking about
3 the ABS rules, not the ABS standards. If you make that
4 substitution, I'll agree with you.

5 Q. I'm fine with that. So in addition to the ABS rules and
6 the Coast Guard regulations, you also looked to recognized
7 professional societies to see if there were any standards that
8 you would require Denebola to have this sill painted in a
9 particular way, correct?

10 A. No.

11 Q. You didn't look to the industry standards of a recognized
12 professional society, sir?

13 A. Well, I mean, I'm already familiar with them. I didn't
14 have to review them. I know that the Society of Naval
15 Architects and Marine Engineers, for example, here in the
16 United States doesn't have such standards. They have
17 standards pertaining to certain ship construction procedures
18 and methods and corporations, but not about the color of sills
19 because the expectation is that industry custom and practice
20 will follow the lead of the Navy and the Coast Guard for their
21 own ships.

22 Q. I appreciate that correction.

23 So you did not find -- you're not aware of any
24 requirement from a professional society for how Denebola
25 should have had that sill painted, correct?

1 A. Well, not without specificity. But not -- for any
2 non-watertight sills.

3 Q. Doctor, you spoke to the standards of the U.S. Navy and
4 the U.S. Coast Guard, so I want to spend a few minutes on
5 those.

6 Have you ever designed warships for the Navy?

7 A. No.

8 Q. Have you ever designed cutters for the U.S. Coast Guard?

9 A. No.

10 Q. Do you know what the complement of a Navy destroyer is?

11 A. The new ones or the old ones?

12 Q. The Arleigh Burke-class DDG. Do you know what the crew
13 compliment is aboard that ship, sir?

14 A. It's approximately 200 people.

15 Q. Do you know what the complement of a Coast Guard high
16 endurance cutter is?

17 A. Approximately 140, 150 people.

18 Q. Would you agree that these ships have no more sailors
19 aboard than Denebola?

20 A. At the time the Denebola -- of Mr. Hinson's accident,
21 there was only a maintenance crew aboard.

22 Q. Let's imagine Denebola has a full complement and is
23 underway. Would you agree that a Navy destroyer has a much
24 larger crew than Denebola?

25 A. Are you talking about the commercial crew or any military

1 supplement?

2 Q. Put everyone you want aboard, sir. Would you agree that
3 a Navy destroyer has a larger crew complement than Denebola?

4 A. Likely, yes.

5 Q. Does Denebola, with its civilian crew, ever have to train
6 to go to general quarters like a Navy or a Coast Guard ship?

7 A. The equivalent of general quarters is to -- for fire
8 drills and man overboard drills and flooding drillings.

9 Q. Does Denebola have a canon or heavy guns on deck?

10 A. No.

11 Q. The ship simply carries cargo for the military, correct?

12 A. Yes.

13 Q. It has no offensive capability and no drug interdiction
14 capability, correct?

15 A. That's correct.

16 Q. Do we agree that there was no requirement, no legal
17 requirement for Denebola to apply Coast Guard or Navy warship
18 standards in marking the sill on which Mr. Hinson tripped?

19 A. The judge will answer that question. That's beyond my
20 expertise.

21 Q. You looked, didn't you, sir, for the Coast Guard and Navy
22 standards? You looked those up?

23 A. You asked legal. You said do I have a legal. You put
24 that in -- of something. I'm not an attorney. I'm not tasked
25 with, I'm not prepared to, I'm not qualified to make a legal

1 interpretation.

2 Q. Does the Coast Guard color and coating's manual apply
3 directly to Denebola with respect to how to mark that sill?

4 A. As a requirement or as industry custom and practice? As
5 industry custom and practice, it certainly does. But in terms
6 of from a regulatory point of view, it does not.

7 Q. Let's break that apart because the manual is a manual.
8 Does that manual apply to Denebola?

9 A. It was not written for the SL-7's. It was not written
10 for a commercial vessel. It was written for Coast Guard owned
11 vessels.

12 Q. Right. It was written for Coast Guard cutters, correct,
13 sir?

14 A. Among other vessels.

15 Q. Denebola is not one of those vessels covered correct,
16 sir?

17 A. Not now.

18 Q. And not at the time Mr. Hinson tripped, right?

19 A. Correct.

20 Q. Same thing with the Navy standards, sir. Those
21 standards, the Navy's scheme for how to paint hazards, those
22 did not apply to Denebola at the time of the accident,
23 correct?

24 A. Wow. What an interesting question. I don't mean to be
25 facetious at all. It's just that we have to remember that the

1 ships were first commercial and then they were Navy ships,
2 U.S.N.S., United States naval ship. So they were Navy ships,
3 and, therefore, while they were Navy ships they were certainly
4 subject to the Navy's own standards for painting sills.

5 Then they got transferred, for whatever reason, to
6 become owned by the U.S. Maritime Administration rather than
7 by the Navy. So a different U.S. department. Okay.

8 That didn't change the functional capability because
9 they had already been converted for the Navy service. Okay.
10 So even though that they're technically owned by a non-Navy
11 government entity, okay, they're still providing the same
12 service as when they were the converted to be a Navy ship.

13 So I can't see that suddenly we can make it less safe
14 or less applicable because certainly I would think that the
15 civilian crew aboard the vessel, when it's owned by the
16 Maritime Administration, should be entitled to the same level
17 of safety and concern as a Navy crew member when the ship was
18 owned by the U.S. Navy.

19 Q. Mr. Hinson, with all due respect, that's not responsive.
20 You launched into a narrative. I'm asking you about the Navy
21 instruction you cited in your report, which is OPNAV
22 instruction 5100.19 echo of 10 May 2007. Do you recall citing
23 to that report, that instruction in your report, sir?

24 A. Yes, I did.

25 Q. And that report is from 2007, correct?

1 A. Yes.

2 Q. Do you know when Denebola was transferred from MSC to
3 MARAD?

4 A. That was the latest version, but certainly it was
5 transferred earlier than that.

6 Q. Okay.

7 A. But I didn't read the contract between the Navy and
8 MARAD, which said under these conditions you can operate these
9 ships for us.

10 Q. I didn't ask that, sir.

11 Sir, are you aware that if OPNAV instruction ever
12 applied to Military Sealift Command vessels, or does it just
13 apply to combatants, perhaps?

14 A. As I've tried to explain, perhaps I was not clear, it was
15 designed to apply to the Navy vessels, vessels owned by the
16 Navy, but, okay, it can apply without any cost impact to
17 non-Navy vessels.

18 Q. It could apply, but it does not strictly apply by any
19 requirement to Denebola, correct?

20 A. Well, that's the reason why I mentioned contract.

21 Q. Can I ask if you agree with that question first, sir,
22 before --

23 A. That's what I'm saying.

24 THE COURT: One at a time.

25 THE WITNESS: I can --

1 THE COURT: Ask the original question. If you can't
2 answer it, you can say you can't answer it. If you don't
3 remember it, you can say you don't remember it. Hopefully you
4 do if he doesn't.

5 MR. BROWN: Thank you, Your Honor.

6 THE COURT: Do you remember the question?

7 THE WITNESS: No.

8 THE COURT: Ask the question.

9 BY MR. BROWN:

10 Q. Dr. Fisher, does the Navy manual apply as a requirement
11 to Denebola with respect to painting that sill?

12 A. I cannot answer the question without reference to the
13 contract which assigned the ships to Maritime Administration.

14 Q. Is it your position that the Navy standard is not by law
15 required to be applied to Denebola?

16 A. Not by law.

17 Q. That's your position. It's not by law required to be
18 applied to Denebola, correct?

19 A. This is -- this is, no, this is a belief, but this is not
20 an expert opinion because I'm not the attorney that would have
21 to answer that. I'm not skilled in those matters.

22 Q. Do you recall being asked about this in a deposition you
23 gave with Mr. Joseph present and for this Court's benefit?

24 A. I don't recall what the question was and what my answer
25 was in that deposition.

1 Q. Do you recall whether or not you said that the Navy
2 standard is not by law required to be applied to Denebola.

3 A. Again, that's my belief as a nonlegal expert. That was
4 correct.

5 Q. When you gave that testimony to Mr. Joseph, did you
6 explain that that statement was not expert testimony whereas
7 the rest of your deposition was expert testimony?

8 MR. BUCHSBAUM: Objection.

9 THE COURT: It's cross-examination. I'm allowing it.

10 THE WITNESS: I don't think I went that far at the
11 time.

12 BY MR. BROWN:

13 Q. Dr. Fisher, we're going to look at your report where you
14 quote from the 2007 Navy instruction.

15 Do you see that zoom-in, sir, from the paragraph B1
16 which you quoted in your report?

17 A. Yes, sir.

18 Q. In that quote, do you see the words sill, threshold or
19 coaming?

20 A. The word itself is not there.

21 Q. Is it your interpretation that the reference to a falling
22 or tripping hazard would include the sill at issue in this
23 case?

24 A. Stumbling and tripping certainly do.

25 Q. That's your interpretation, correct, sir?

1 A. That's what I'm here for.

2 Q. Do you have experience interpreting Navy instructions?

3 A. I'm not sure what that means.

4 Q. Okay. I'll move on.

5 Do you know if Navy surface combatant commanders
6 interpret this instruction to require that warship sills be
7 painted in yellow?

8 A. You have to ask them.

9 Q. Okay.

10 Have you been in the Navy?

11 A. No.

12 Q. Have you been underway on warships routinely?

13 A. No.

14 Q. Did you interview anyone in the Navy to see if this
15 instruction applied to surface warship sills?

16 A. No.

17 Q. On the next page of your report, sir, you similarly
18 quoted from the Coast Guard manual. I'll take a quick look at
19 that.

20 Next paragraph, do you see there, sir, that paragraph
21 2, that's your quotation from the Coast Guard coatings and
22 color manual, correct?

23 A. Yes.

24 Q. Do you see there the words threshold, sill, or coaming?

25 A. Again, that word isn't there, but it's implied by the

1 stumbling and falling hazards.

2 Q. You take that to be the implication, correct?

3 A. Among other hazards, yes.

4 Q. Do you know if Coast Guard commanders of cutters
5 interpret this regulation to require the marking of thresholds
6 in yellow on Coast Guard cutters?

7 A. Well, I certainly see it in the photograph down below
8 that. That's a Coast Guard vessel, so I have no reason to
9 doubt it.

10 Q. Okay. Have you ever served on a Coast Guard cutter?

11 A. No.

12 Q. Let's take a closer look at that photo, which is on the
13 bottom of page 8 of Plaintiff's Exhibit-31. That's
14 immediately below where you quoted from the Coast Guard's
15 color and coatings manual, correct?

16 A. Yes.

17 Q. So you use this as an illustration of the Coast Guard's
18 application of its coatings and color's policy, correct?

19 A. Yes.

20 Q. Do you know that this is a photo -- well, what ship is
21 this, sir?

22 A. The Taney, Coast Guard cutter the Taney.

23 Q. Do you know that Coast Guard Taney is a museum ship
24 parked in Baltimore?

25 A. Sure. I would love to have gone on other ships, but the

1 Coast Guard ships these days are part of the Department of
2 Homeland Security and civilians are not allowed to go aboard
3 to take photographs.

4 Q. So this photo here is not of a Coast Guard cutter. It's
5 of a museum ship, correct?

6 A. It's in the form it was when retired.

7 Q. You know the form of the Taney when she was retired and
8 converted to a museum ship?

9 A. When you go down to the museum you see that. That's what
10 they say.

11 Q. Do you have any knowledge whether that sill has been
12 repainted since Taney's retirement from commissioned service
13 in 1986?

14 A. If it has been repainted, it's been repainted in the same
15 manner.

16 Q. How do you know that, sir?

17 A. It's implied by the fact that they represent this is the
18 condition the ship's maintained.

19 Q. "They" being the museum operators?

20 A. The museum operators state -- I guess that statement is
21 from the museum operators, yes.

22 Q. Okay. Do you know who visits this museum in Baltimore?

23 A. Civilians.

24 Q. Can we agree that young children visit this museum ship?

25 A. Among others.

1 Q. Can we agree that elderly persons visit this ship?

2 A. I did. I'm elderly.

3 Q. Can we agree that the clientele, the people transiting
4 through these thresholds on this museum ship differ
5 significantly from the personnel manning Denebola, an active
6 merchant ship?

7 A. No, I can't. They're different, but I can't say that
8 just because an elderly person is walking through the museum
9 ship doesn't mean that a crew person wouldn't be entitled to
10 the same level of safety.

11 This is what puzzles me that if it's a zero cost
12 implementation to provide a safer environment, why not do it?
13 If they provide the safer environment for children and
14 elderly, why not provide it for everybody else along the way?

15 Q. Dr. Fisher, this ship was decommissioned in 1986,
16 correct?

17 A. Yes.

18 Q. The Coast Guard coatings manual you quoted came into
19 force in 2014, correct?

20 A. The current version of it.

21 Q. Okay. Did you cite to any prior versions in your report?

22 A. I didn't look for them because it preceded the date --

23 THE COURT: There's no question.

24 THE WITNESS: Sorry.

25 BY MR. BROWN:

1 Q. I have a few questions for you about your understanding
2 of the accident itself.

3 You heard the testimony earlier today that Mr. Hinson
4 had stepped literally through hundreds of different coamings,
5 correct?

6 A. I think you've misstated the word "through." He stepped
7 over. You don't walk through a coaming. You walk through an
8 opening. You step over a coaming.

9 Q. I love a clear correction. I thank you for that. He
10 stepped through hundreds of doorways and over coamings,
11 correct?

12 A. Yes.

13 Q. He testified and you heard him testify that he
14 stepped into the log room on Denebola without tripping,
15 correct?

16 A. That's correct.

17 Q. Did you know in forming your opinions how long he had
18 spent inside that room?

19 A. I didn't get a sense of exact number of minutes, but it
20 was approximately in the vicinity of ten minutes.

21 Q. Did you have an opportunity to interview Mr. Hinson
22 before you formed your opinions?

23 A. No, because my opinion is not based on that information.

24 Q. So you didn't interview him before forming your opinions,
25 correct?

1 A. That's correct.

2 Q. Your opinion did make reference to, for instance, the
3 speed or dispatch with which Mr. Hinson responded to the horn,
4 correct?

5 A. Yes.

6 Q. But you made that opinion or you relied on that without
7 having interviewed him, correct?

8 A. That's correct.

9 Q. When Mr. Hinson stepped out of the log room, he stepped
10 out of that doorway, do you know if the door itself was
11 latched open or closed?

12 A. I don't know. I had assumed it was latched open.

13 Q. Okay.

14 Sir, we're going to look at page 5 of your report,
15 which is Plaintiff's Exhibit-31.

16 Do you see the photograph at the bottom of that page,
17 sir?

18 A. Yes, sir.

19 Q. This is, if I understand correctly, I think we'll agree
20 this looking into the log room from that passage area
21 immediately outside of it, correct?

22 A. Yes. After the paint had been changed.

23 Q. Right. In this photo we have a different paint condition
24 than was in existence at the time Mr. Hinson tripped over the
25 threshold, correct?

1 A. Correct.

2 Q. And you see there that open door we were just discussing,
3 correct?

4 A. Yes.

5 Q. And that is that lightest color white object that's in
6 the center of the picture, correct?

7 A. Yes. Vertical.

8 Q. Now, would you agree with me that you can see an air gap
9 between the deck and the bottom of that door in this
10 photograph?

11 A. Yes.

12 Q. In other words, the door doesn't slide across or drag
13 across the deck directly, right, sir?

14 A. That's correct.

15 Q. Did you measure how high off the deck the bottom of that
16 door was?

17 A. I remember measuring it, and it's probably in my notes,
18 which aren't in the report here, but it was close to -- the
19 overlap between the bottom of the door and the sill was less
20 than an inch.

21 Q. So with the door closed there was less than an inch of
22 the overlap from the bottom of that door and the top of the
23 sill on which Mr. Hinson tripped, correct?

24 A. Yes.

25 Q. So that would mean that the air gap between the deck and

1 the bottom of that door was about five inches or so?

2 A. About.

3 Q. Okay.

4 And there is an overlap, right? There's not an air
5 gap when the door's closed?

6 A. That's right. The reason why I noticed that was to see
7 if there was a gasket there to make it gas tight, and it was
8 not.

9 Q. Would you agree that that open door would provide visual
10 reference to someone passing through, that the threshold
11 height was greater than two inches?

12 A. No.

13 Q. Well, if the door is five inches off the deck and it has
14 an overlap, that has to mean that there's at least five or so
15 inches of sill, correct?

16 A. If you're looking at that door from the perspective of
17 this photograph, perhaps. But if you're standing in the room
18 looking out, so the door is parallel to your vision, the
19 answer is probably not.

20 Q. Is it your understanding that Mr. Hinson was standing
21 there and looking out of the door when he tripped?

22 A. He was on his way out when he tripped. He was on the way
23 out.

24 Q. So you don't know whether he was looking down at the
25 bottom of that door or any other place down, correct?

1 A. Well, I thought from what he testified to today was my
2 understanding that he looked and thought that the white part
3 of the sill, as it was painted then, demonstrated or
4 illustrated the height of the sill.

5 Q. Okay. And we'll all have the opportunity later to look
6 at this transcript very carefully because I also heard him
7 discuss things being a blur in the heat of the moment. But if
8 your understanding is he's looking down at the white strip or
9 stripe at the top of the threshold, wouldn't the bottom of
10 that door also be in his field of vision?

11 A. That's what I just said. It depends where you're
12 looking. If you're looking parallel to the door, then your
13 perspective is all together different than when you're looking
14 at something which is perpendicular to your line of vision.
15 So that's it. From my personal experience I understand that.
16 So I'm not going to say that when you're looking at something
17 parallel to you, you have the same perspective in depth --
18 perception of depth as you do when you're looking at something
19 which is perpendicular to your line of vision. That's all I'm
20 saying. So I don't know. I don't know what he looked at, for
21 how long. Okay.

22 MR. BROWN: I have no other questions.

23 THE COURT: Any redirect?

24 MR. BUCHSBAUM: Just one, Your Honor.

25 (REDIRECT EXAMINATION OF KENNETH FISHER BY MR. BUCHSBAUM:)

1 Q. We heard about a lot of regulations about sills and doors
2 and Navy vessels and Coast Guard vessels. Is there any
3 regulation stating that you cannot paint the sill the color it
4 was painted after this accident, that you're forbidden to do
5 that?

6 A. No, there's nothing which forbids you to do that. But
7 you brought that question up, and I just have to tell you that
8 we just looked at it on the Exhibit 5 of my report. And I --
9 I'm amazed that somebody did that after accident.

10 MR. BROWN: Your Honor, I have to object.

11 THE COURT: Sustained. This is a subsequent remedial
12 measure that's irrelevant and not permitted under 407.

13 MR. BUCHSBAUM: Nothing further.

14 THE COURT: Thank you. Any recross?

15 MR. BROWN: No, Your Honor.

16 THE COURT: Okay. You may step down.

17 THE WITNESS: Thank you, Your Honor.

18 THE COURT: Thank you. How do you wish to proceed,
19 counsel? We have a movie, 41 minutes.

20 MR. BUCHSBAUM: A 41-minute video deposition of the
21 treating doctor, which I can play for Your Honor before or
22 after lunch. Whatever your preference.

23 THE COURT: I prefer to keep moving. Give you 15
24 minutes, is that all right?

25 MR. BUCHSBAUM: That's fine.

1 MR. BROWN: Even five minutes is fine.

2 MR. BUCHSBAUM: I have to cue it up.

3 (A short recess occurred.)

4 THE COURT: Are there any things on the video that
5 need to be --

6 MR. BUCHSBAUM: Redacted? I don't think so, Your
7 Honor.

8 MR. JOSEPH: There's one objection that the United
9 States withdraws.

10 THE COURT: Okay. All right. Let's see if this
11 works.

12 (The videotaped deposition of Dr. Sclafani was played
13 at this time.)

14 MR. BROWN: The United States would like to move into
15 evidence the two exhibits used in that deposition, so it's
16 Plaintiff's Exhibit-22 and then U.S. Exhibit-15.

17 THE COURT: Any objection?

18 MR. BUCHSBAUM: No objection.

19 (Plaintiff's Exhibit P-22 in evidence.)

20 (Defendant's Exhibit D-15 in evidence.)

21 MR. BUCHSBAUM: We'd also like to move Exhibits 23,
22 24. That's it.

23 THE COURT: Any objection?

24 MR. JOSEPH: No objection, Your Honor.

25 THE COURT: Okay. In evidence.

1 (Plaintiff's Exhibits P-23 and P-24 in evidence.)

2 THE COURT: I assume that concludes our trial day for
3 today?

4 MR. BUCHSBAUM: Yes, Your Honor.

5 THE COURT: So what do we have for tomorrow?

6 MR. BUCHSBAUM: We have plaintiff's vocational expert
7 David Stein and plaintiff's economic expert Kirstin Kucsma,
8 which I believe -- even that Your Honor has already read
9 everything -- should hopefully be done in an hour or so.

10 THE COURT: Both of them in an hour?

11 MR. BUCHSBAUM: Yes, depending on the cross.

12 THE COURT: That's optimistic. Counsel, what do you
13 think?

14 MR. JOSEPH: I would say, just out of an abundance of
15 caution, about a half hour each for cross.

16 THE COURT: That's two hours. I guess 9:15. Gives
17 us a little wiggle room.

18 MR. JOSEPH: Sounds good.

19 THE COURT: Thank you. Thank you counsel for
20 everything. Enjoy the evening.

21 THE DEPUTY COURT CLERK: All rise.

22 (Court concludes at 1:51 p.m.)
23
24
25

I

Date

*Proceedings recorded by mechanical stenography;
District of New Jersey*

	132:10 1997 [1] - 8:11 1:51 [1] - 140:17 1st [2] - 20:13, 94:11	27 [3] - 3:15, 3:16, 27:19 27th [6] - 55:7, 68:15, 68:21, 69:25, 70:8, 70:11 28 [2] - 3:17, 3:18 29 [2] - 1:11, 5:3 29th [2] - 20:13, 46:8 2:30 [1] - 32:23	6 6 [6] - 3:3, 4:12, 100:21, 106:16, 106:19, 106:20 6,000 [1] - 82:23 6th [5] - 20:11, 48:2, 48:10, 48:12, 49:5	120:21, 120:23, 120:25 ABS's [2] - 94:5, 94:6 absolutely [5] - 83:6, 91:18, 97:22, 102:21, 118:20 abuchsbaum@ friedmanjames. com [1] - 2:6 abundance [1] - 140:9 accept [5] - 14:25, 15:2, 100:5, 100:7, 101:24 accesses [2] - 116:15, 118:10 Accident [1] - 42:14 accident [36] - 14:16, 14:18, 22:24, 24:15, 30:15, 33:22, 34:13, 35:16, 38:12, 55:3, 55:4, 55:6, 64:4, 68:11, 69:20, 69:23, 78:2, 87:14, 95:5, 95:8, 95:16, 95:18, 96:1, 104:3, 104:5, 108:10, 110:22, 111:10, 111:13, 111:16, 115:21, 122:15, 124:17, 132:22, 137:24, 138:4 accidents [2] - 44:9, 104:18 accomplish [1] - 88:14 accordance [2] - 98:7, 101:2 according [3] - 55:2, 95:25, 100:7 account [1] - 99:12 accumulation [1] - 91:10 accuracy [1] - 112:23 accurate [13] - 24:19, 30:13, 39:24, 60:15, 63:14, 63:15, 67:15, 68:16, 68:21, 72:25, 73:1, 74:11, 75:5 achieve [1] - 8:2 acknowledge [3] - 29:13, 29:16, 99:4 acknowledged [1] - 82:19 acknowledgements [1] - 119:25 acquire [1] - 61:22 act [1] - 30:1 actions [1] - 88:8 active [1] - 131:25 activities [2] - 78:22,
'74 [1] - 59:21				
0	2	3	7	
01212 [1] - 22:17 07101 [1] - 1:10 07751 [1] - 2:4	2 [3] - 1:10, 2:4, 129:16 2.7 [1] - 46:23 20 [4] - 3:14, 9:7, 9:12, 9:14 20/20 [1] - 17:18 200 [2] - 14:10, 122:9 20002 [1] - 2:9 2007 [4] - 60:17, 125:17, 125:20, 128:9 2014 [3] - 65:18, 66:2, 132:14 2016 [23] - 19:25, 20:7, 24:20, 35:22, 37:16, 38:2, 38:12, 38:18, 41:4, 41:16, 42:10, 43:23, 44:6, 44:16, 46:8, 48:2, 49:2, 49:10, 50:7, 51:3, 60:11, 67:1, 75:5 2018 [10] - 50:7, 50:10, 50:11, 68:16, 68:21, 69:25, 70:8, 70:11, 94:11, 94:16 2019 [2] - 1:11, 5:3 202 [1] - 2:10 2020 [2] - 10:1, 56:24 20th [4] - 20:12, 44:6, 44:8, 44:16 21 [5] - 2:4, 4:12, 106:16, 106:19, 106:20 212 [1] - 2:5 215)779-6437 [1] - 1:21 22nd [2] - 20:7, 20:11 23 [1] - 139:16 233-9385 [1] - 2:5 23rd [3] - 22:23, 22:25, 23:3 24 [2] - 73:4, 139:17 24th [14] - 24:4, 24:20, 25:9, 35:22, 37:16, 38:2, 38:12, 41:4, 41:16, 43:23, 44:8, 44:22, 51:3, 55:6 25 [2] - 17:8, 23:25 25th [3] - 38:18, 55:2, 55:7 26 [1] - 17:8 2692 [1] - 43:15 26th [1] - 55:7	3 [1] - 94:15 30 [3] - 62:19, 76:10, 94:23 30-inch [1] - 94:21 300 [1] - 14:10 30th [1] - 42:10 31 [1] - 3:18 34 [1] - 27:2 35 [2] - 60:14, 66:22 36 [1] - 3:19 3:00 [1] - 32:23 3:18-cv-00870-BRM- LHG [1] - 1:4 3rd [2] - 49:2, 49:10	7 [6] - 3:4, 4:12, 92:24, 106:17, 106:19, 106:20 702 [1] - 104:23 72 [1] - 4:10 7th [2] - 20:12, 75:5	
1		4	8	
1 [3] - 1:6, 18:11, 76:6 1-to-10 [3] - 76:6, 76:20, 77:7 10 [8] - 4:12, 21:12, 76:6, 76:7, 106:16, 106:19, 106:20, 125:17 106 [2] - 4:11, 4:12 107 [1] - 3:7 1099 [1] - 17:11 10th [2] - 7:23, 7:24 11 [3] - 94:16, 106:17, 106:19 12 [4] - 16:12, 39:23, 40:3, 50:11 120 [2] - 17:6, 86:12 120,000 [1] - 12:12 12th [2] - 7:8, 50:7 13 [1] - 40:9 137 [1] - 3:8 139 [3] - 4:13, 4:14, 4:15 13th [1] - 50:7 14 [2] - 16:12, 45:4 140 [1] - 122:12 14:30 [1] - 41:17 15 [3] - 21:12, 56:17, 138:18 150 [3] - 14:10, 86:13, 122:12 16 [1] - 94:22 16th [1] - 20:13 175 [1] - 2:9 17th [1] - 20:13 18.1 [1] - 52:25 18th [1] - 20:13 19 [1] - 47:14 1953 [1] - 7:8 1964 [1] - 81:3 1970s [1] - 85:5 1971 [1] - 59:21 1976 [2] - 14:16, 33:1 1977 [3] - 8:11, 59:23, 60:11 1981 [4] - 59:23, 65:5, 65:8, 65:17 1984 [2] - 62:13, 62:16 1986 [2] - 131:8,		4 [2] - 34:9, 36:7 40 [3] - 3:20, 3:21, 52:24 40-pound [1] - 52:25 400 [1] - 82:22 401(k) [1] - 17:1 407 [1] - 138:7 41 [2] - 3:22, 138:14 41-minute [1] - 138:15 42 [2] - 3:23, 3:24 43 [4] - 3:25, 4:1, 4:2, 80:23 45 [1] - 4:3 46 [6] - 104:15, 116:2, 116:5, 116:9, 117:22, 120:6 460-6577 [1] - 2:10 47 [3] - 4:4, 4:5, 4:6 4th [1] - 20:12	8 [4] - 52:16, 76:21, 100:21, 130:8 80 [2] - 3:6, 3:6 800 [1] - 86:17 82 [1] - 116:24 8th [1] - 2:9	
		5	9	
		5 [2] - 134:9, 138:3 5,285 [2] - 65:21, 66:5 50 [1] - 66:8 50-foot [1] - 53:10 5100.19 [1] - 125:17 52 [2] - 4:7, 69:9 57 [1] - 4:8 59 [2] - 3:5, 4:9	9 [5] - 3:14, 4:13, 106:17, 106:19, 106:20 900 [1] - 86:17 92 [1] - 116:24 946 [1] - 12:5 9:15 [1] - 140:11 9:30 [2] - 1:11, 5:3	
			A	
			a.m [2] - 1:11, 5:3 Ability [1] - 52:17 able [19] - 10:19, 18:19, 43:22, 49:12, 52:23, 53:2, 53:5, 53:7, 53:9, 53:14, 53:16, 53:18, 54:9, 54:12, 72:24, 75:1, 81:12, 95:4, 95:6 able-bodied [1] - 10:19 aboard [11] - 41:18, 66:25, 88:14, 110:2, 115:11, 122:8, 122:14, 122:16, 122:22, 125:10, 130:22 ABS [13] - 92:7, 93:14, 93:15, 93:21, 94:7, 102:3, 115:1, 120:15, 120:20,	

<p>78:23 adaptation [1] - 111:5 add [4] - 74:1, 85:20, 85:21, 86:15 added [1] - 86:3 addition [4] - 46:25, 88:7, 120:16, 120:25 additional [2] - 86:11, 86:17 address [3] - 94:1, 94:7, 99:25 addressed [1] - 90:25 Administration [4] - 115:17, 125:1, 125:11, 127:8 admissibility [1] - 9:10 admissible [1] - 87:15 admission [1] - 42:8 admitted [1] - 52:1 adult [1] - 61:6 age [1] - 57:1 aggressively [1] - 6:7 agility [1] - 54:15 ago [4] - 61:9, 62:19, 69:25, 108:18 agree [15] - 31:18, 117:13, 118:8, 120:24, 122:13, 122:18, 122:22, 123:11, 126:16, 131:19, 131:21, 131:23, 134:14, 135:3, 136:4 agreed [3] - 42:23, 43:7, 43:15 agreement [1] - 20:24 agrees [1] - 24:5 ahead [7] - 34:5, 88:3, 88:23, 98:12, 102:15, 104:20, 105:9 aided [1] - 1:23 air [3] - 135:3, 135:20, 135:24 aircraft [1] - 9:1 alarm [24] - 11:25, 29:6, 29:7, 29:9, 29:10, 29:11, 29:13, 29:15, 29:18, 29:24, 30:8, 30:9, 32:11, 39:6, 71:18, 71:22, 72:3, 73:10, 73:13, 73:19, 108:13, 109:16, 114:6 alarms [1] - 73:2 Aleve [2] - 56:6, 77:22 algebra [1] - 61:5 alleged [1] - 5:23 allow [2] - 87:19,</p>	<p>105:8 allowed [1] - 130:22 allowing [1] - 128:4 alternating [3] - 100:14, 101:3, 101:21 amazed [1] - 138:4 AMERICA [1] - 1:6 America [1] - 5:10 American [4] - 16:21, 92:6, 92:15, 114:23 amount [2] - 50:22, 62:7 analysis [1] - 114:3 analyzes [1] - 97:16 analyzing [1] - 98:14 anchored [1] - 16:3 ANDREW [1] - 2:3 Andrew [1] - 5:6 anecdotal [2] - 103:18, 108:20 animated [1] - 6:1 ANSWER [1] - 69:14 answer [12] - 30:9, 69:14, 72:3, 98:8, 116:13, 123:14, 126:22, 127:7, 127:16, 127:19, 136:14 Antares [40] - 12:5, 12:9, 12:14, 18:7, 18:16, 18:20, 19:24, 20:6, 20:11, 20:17, 20:23, 24:6, 24:24, 33:9, 33:10, 33:12, 33:19, 33:22, 35:25, 36:18, 41:17, 48:9, 66:25, 67:4, 67:7, 67:10, 67:17, 68:3, 68:7, 68:10, 69:13, 69:17, 74:13, 75:5, 84:18, 85:6, 87:7, 89:4, 112:21, 113:19 Antares's [3] - 67:20, 67:23, 67:24 apart [1] - 124:2 appear [2] - 88:25, 90:9 appearances [1] - 5:4 appeared [1] - 113:1 applicable [4] - 90:11, 102:1, 114:19, 125:9 applicant [1] - 52:23 application [2] - 107:24, 130:13 applied [9] - 98:17, 107:16, 113:24, 116:12, 126:7, 127:10, 127:13, 127:22, 129:10</p>	<p>applies [1] - 115:12 apply [12] - 90:14, 101:3, 123:12, 123:22, 124:3, 124:17, 126:8, 126:10, 126:11, 126:13, 127:5 applying [1] - 98:18 appreciate [3] - 113:12, 115:16, 121:17 appreciated [1] - 100:15 approach [1] - 68:25 approaching [1] - 100:16 appropriate [3] - 82:12, 87:22, 90:7 approximate [1] - 12:8 April [3] - 20:12, 20:13 architect [6] - 97:15, 104:7, 107:14, 110:25, 111:4, 114:8 Architects [1] - 121:10 architects [2] - 80:20, 89:13 architecture [5] - 81:2, 81:17, 81:18, 84:4, 111:24 Architecture [1] - 81:4 area [8] - 39:3, 81:11, 84:8, 97:5, 99:19, 108:15, 110:16, 134:15 areas [6] - 82:10, 83:18, 83:19, 83:21, 84:1, 84:4 arguments [1] - 5:21 Arleigh [1] - 122:7 arm [19] - 32:18, 32:19, 32:20, 34:15, 34:18, 34:24, 35:7, 36:5, 49:12, 49:17, 50:1, 50:23, 51:6, 51:11, 56:3, 56:8, 56:10, 77:10 arrangement [1] - 98:2 arrow [1] - 34:4 article [1] - 120:4 articles [1] - 120:10 AS [2] - 6:21, 80:3 ashore [1] - 41:5 aside [1] - 40:15 aspect [1] - 118:23 assigned [8] - 10:5, 15:10, 19:24, 20:17, 23:11, 33:10, 74:23, 127:8 assignment [2] -</p>	<p>114:13, 114:17 assistance [9] - 35:1, 52:24, 53:6, 53:9, 53:16, 54:9, 54:17, 74:18, 74:21 assistant [11] - 11:10, 11:13, 11:18, 20:18, 23:11, 41:18, 42:24, 61:14, 61:16, 61:18, 62:14 assistants [1] - 63:9 assisting [1] - 41:19 assume [3] - 57:14, 88:15, 139:22 assumed [1] - 134:7 assured [2] - 6:1, 6:6 Atlantic [2] - 10:11, 109:14 attend [2] - 50:13, 60:22 attention [4] - 44:18, 87:5, 98:11, 100:13 attention-getting [2] - 98:11, 100:13 attests [1] - 90:8 attorney [3] - 107:3, 123:19, 127:15 audible [2] - 29:9, 29:10 August [3] - 42:10, 49:2, 49:10 authenticated [1] - 37:1 authority [1] - 101:15 auxiliary [1] - 12:2 available [1] - 114:11 average [2] - 14:3 avoidance [1] - 118:22 AVS [1] - 89:25 aware [10] - 84:22, 84:24, 112:20, 116:14, 116:20, 117:22, 117:24, 118:3, 121:18, 126:6 awkward [1] - 89:21</p>	<p>103:18, 103:19, 103:24, 105:5, 133:18 basis [3] - 68:2, 119:9, 119:14 Beach [1] - 73:25 bearing [1] - 113:20 bearings [1] - 14:9 became [1] - 62:13 become [4] - 61:22, 61:25, 84:25, 125:1 BEEN [2] - 6:20, 80:3 behalf [1] - 56:13 behind [1] - 108:6 belief [2] - 127:14, 127:23 below [3] - 38:16, 130:2, 130:9 bench [1] - 5:24 benefit [1] - 127:18 benefits [4] - 16:23, 16:25, 17:1 BERNARD [1] - 2:3 better [4] - 31:1, 49:20, 76:24, 77:1 between [14] - 12:6, 13:15, 14:10, 19:12, 32:23, 34:7, 44:8, 59:23, 107:18, 112:21, 126:2, 135:4, 135:14, 135:20 beyond [1] - 123:14 bfriedman@friedmanjames.com [1] - 2:5 big [5] - 11:24, 12:3, 13:11, 13:14, 21:18 bigger [4] - 41:4, 93:17, 93:18, 93:19 bill [1] - 15:21 billet [1] - 110:8 Bills [1] - 56:16 biopsy [1] - 74:6 birth [1] - 7:7 bit [4] - 18:6, 51:16, 85:16, 89:21 bits [1] - 85:24 black [4] - 30:6, 33:6, 33:8, 101:4 blacked [2] - 37:19, 38:15 bloated [1] - 35:7 blood [1] - 17:22 blow [1] - 13:20 blur [1] - 137:2 board [26] - 10:20, 13:12, 15:5, 15:15, 15:19, 17:6, 20:20, 20:25, 21:2, 22:14,</p>
---	---	---	--	--

B

B1 [1] - 128:10
background [3] - 7:17, 80:24, 101:1
backgrounds [1] - 105:18
ball [2] - 78:7, 78:15
Baltimore [8] - 18:14, 45:14, 45:17, 48:19, 84:15, 130:19, 131:17
based [8] - 95:18, 97:1, 103:14,

22:25, 26:22, 35:8, 40:21, 63:5, 63:8, 67:10, 67:13, 84:12, 87:13, 88:9, 107:16, 109:23, 116:15, 118:4 board's [1] - 108:1 boarded [1] - 94:9 boarding [1] - 84:17 boards [2] - 28:22, 28:23 boat [5] - 15:22, 15:25, 16:1, 78:19 boating [1] - 78:11 bodied [1] - 10:19 body [3] - 32:9, 34:21, 71:22 boiler [9] - 26:1, 26:2, 26:4, 26:8, 26:9, 29:5, 67:4, 68:5 boilers [4] - 23:10, 25:23, 26:4, 26:10 bolts [3] - 13:18, 13:19, 13:22 book [1] - 82:20 boots [1] - 64:6 born [1] - 7:11 bottom [20] - 12:7, 34:9, 36:16, 36:17, 36:21, 37:20, 41:16, 72:17, 88:17, 94:22, 101:22, 130:8, 134:11, 135:4, 135:10, 135:14, 135:17, 135:21, 136:20, 137:4 bowling [2] - 78:9, 78:17 box [5] - 21:20, 21:21, 22:4, 22:6, 22:7 boxes [1] - 25:7 brain [1] - 104:24 brand [1] - 86:8 break [7] - 57:12, 57:21, 57:22, 57:23, 79:8, 113:9, 124:2 breathalyzer [1] - 41:22 BRIAN [2] - 1:13, 5:2 bridge [1] - 13:1 briefly [3] - 15:24, 70:16, 87:21 briefs [1] - 5:19 bring [3] - 14:6, 21:3, 37:22 Bronx [2] - 7:12, 7:14 brother [1] - 78:9 brought [1] - 138:2 BROWN [34] - 2:8, 3:8, 5:11, 31:20,	37:5, 79:22, 84:2, 87:10, 87:12, 87:21, 88:19, 88:21, 97:4, 97:13, 98:13, 99:23, 102:10, 103:6, 103:17, 104:4, 104:21, 106:12, 106:18, 107:1, 107:2, 126:25, 127:4, 128:7, 132:20, 137:17, 138:5, 138:10, 138:21, 139:9 brown [4] - 58:19, 58:21, 96:14, 96:19 Brown [2] - 5:11, 107:3 bruise [2] - 38:7, 38:8 BUCHSBAUM [137] - 2:2, 2:3, 3:4, 3:7, 3:9, 5:6, 6:15, 6:18, 7:1, 7:3, 9:9, 9:12, 9:15, 22:11, 22:13, 26:25, 27:4, 27:9, 27:12, 27:15, 27:19, 28:2, 28:9, 28:17, 28:18, 30:17, 31:5, 31:17, 31:24, 32:1, 32:7, 32:8, 34:3, 34:9, 34:11, 34:12, 36:7, 36:16, 36:20, 36:24, 37:3, 37:7, 40:3, 40:9, 40:20, 41:8, 41:12, 42:4, 42:13, 42:21, 43:5, 43:14, 43:21, 45:4, 45:9, 46:6, 46:9, 47:5, 47:10, 47:15, 47:18, 47:24, 47:25, 50:11, 50:12, 51:17, 51:21, 51:24, 52:8, 52:13, 52:18, 52:20, 52:21, 54:1, 54:6, 54:8, 54:19, 54:24, 57:6, 57:18, 58:4, 58:7, 58:8, 58:25, 59:3, 69:6, 72:11, 73:15, 73:20, 75:12, 75:17, 79:6, 79:9, 79:13, 79:16, 79:20, 80:1, 80:11, 80:12, 81:13, 83:13, 83:17, 84:9, 84:10, 87:16, 88:2, 88:5, 88:6, 89:7, 97:6, 97:19, 98:25, 100:2, 102:14, 102:17, 103:13, 103:23, 104:8, 104:11, 105:1, 105:10, 106:8, 106:15,	106:21, 128:3, 137:19, 137:20, 138:8, 138:15, 138:20, 138:22, 139:1, 139:13, 139:16, 139:24, 140:1, 140:6 Buchsbaum [2] - 5:7 builder [1] - 85:3 builders [2] - 19:17, 88:8 Building [1] - 2:4 builds [2] - 85:20, 97:15 built [8] - 85:3, 85:4, 86:12, 86:15, 107:15, 113:3 bumped [1] - 25:24 Bureau [3] - 92:6, 92:15, 114:23 Burke [1] - 122:7 Burke-class [1] - 122:7 business [5] - 42:8, 42:23, 43:7, 43:16, 80:19 bust [1] - 13:22 BY [54] - 2:3, 2:3, 2:8, 3:4, 3:5, 3:7, 3:8, 3:9, 7:2, 9:15, 22:13, 28:18, 31:5, 32:8, 34:12, 37:7, 40:20, 41:12, 42:4, 43:21, 45:9, 46:9, 47:25, 50:12, 52:21, 54:8, 54:24, 58:8, 59:7, 69:2, 69:8, 70:4, 70:15, 71:3, 72:19, 73:18, 73:22, 80:12, 81:13, 83:13, 84:10, 88:6, 89:7, 97:19, 98:25, 100:2, 102:17, 103:23, 105:10, 107:2, 127:4, 128:7, 132:20, 137:20	capability [3] - 123:8, 123:9, 125:3 capable [1] - 14:25 Cape [1] - 9:3 captain [1] - 64:15 captioned [1] - 42:6 car [3] - 11:22, 36:1, 36:4 carbon [2] - 113:4, 113:20 card [1] - 110:5 care [2] - 48:15, 109:18 career [8] - 8:23, 8:24, 10:8, 10:24, 12:18, 61:13, 66:9, 66:23 careful [1] - 115:8 carefully [1] - 137:1 cargo [8] - 60:6, 60:8, 66:17, 84:21, 84:24, 85:7, 109:13, 123:6 carriers [2] - 9:1, 9:2 carries [1] - 123:6 carry [7] - 44:3, 51:9, 52:25, 60:2, 85:7 carrying [1] - 24:23 case [12] - 67:22, 68:15, 68:18, 83:8, 92:10, 104:7, 107:5, 113:4, 113:20, 114:13, 114:18, 128:18 cases [1] - 104:16 cast [1] - 50:2 casts [1] - 50:1 casualties [3] - 118:22, 119:2 casualty [2] - 118:7, 118:13 catch [1] - 21:10 caused [3] - 31:6, 31:10, 104:6 causes [1] - 104:17 caution [1] - 140:10 center [1] - 135:1 centimeters [1] - 46:24 certain [18] - 8:20, 16:22, 22:25, 42:5, 57:8, 61:23, 74:23, 83:10, 91:2, 93:24, 94:12, 99:11, 101:10, 111:17, 117:7, 119:13, 121:12 certainly [12] - 6:1, 82:18, 101:20, 105:4, 105:5, 111:25, 123:25, 124:23, 125:9,	125:24, 128:19, 130:2 certainty [1] - 104:2 certificate [6] - 73:24, 74:4, 74:8, 90:4, 92:6, 110:10 Certificate [8] - 37:11, 40:10, 44:14, 48:3, 90:6, 90:23, 91:22, 94:3 certificates [1] - 110:12 certifies [1] - 94:5 cetera [1] - 105:6 CFR [7] - 116:5, 116:9, 117:23, 118:4, 119:7, 119:10, 120:7 CFR's [2] - 90:15, 119:15 chainsaws [1] - 14:7 chambers [1] - 5:24 change [5] - 13:2, 13:20, 14:9, 19:16, 125:3 changed [3] - 39:25, 111:18, 134:17 characteristics [2] - 113:8, 113:10 charge [2] - 63:20, 120:11 charged [1] - 53:11 chart [1] - 26:3 check [1] - 26:17 chemical [1] - 26:15 chemicals [12] - 26:7, 26:10, 26:13, 26:14, 26:16, 28:20, 29:5, 39:17, 68:4, 71:14, 71:16, 114:5 Chief [13] - 20:23, 35:3, 37:19, 61:20, 62:21, 62:24, 63:5, 63:9, 64:8, 64:9, 109:14, 109:15, 109:17 chief [7] - 20:23, 35:25, 38:22, 38:24, 39:22, 62:23, 63:4 children [2] - 131:19, 132:8 chlorine [1] - 26:8 choose [1] - 88:13 chooses [1] - 86:20 circle [1] - 19:3 circular [1] - 116:23 circumstance [1] - 29:25 cite [1] - 132:16 cited [1] - 125:16 citing [1] - 125:17
--	--	--	--	---

C

C.V [2] - 81:8, 104:16
cadet [10] - 108:18,
109:12, 109:21,
109:22, 109:23,
109:25, 110:4,
110:5, 110:8, 110:14
cadets [1] - 110:14
Canaveral [1] - 9:3
cannot [2] - 127:7,
137:23
canon [1] - 123:4

<p>City [2] - 7:12, 7:14 CIVIL [1] - 1:3 civilian [6] - 115:6, 115:9, 115:11, 115:23, 122:25, 125:10 civilians [2] - 130:22, 131:18 civilly [1] - 6:7 claims [1] - 5:22 clarify [1] - 53:25 class [8] - 60:22, 84:21, 89:19, 89:22, 89:23, 92:9, 122:7 classification [5] - 86:22, 89:9, 89:25, 92:7, 112:10 Classification [4] - 89:11, 89:12, 94:3, 114:23 Classification's [1] - 89:20 clean [1] - 10:17 cleanliness [1] - 63:20 cleans [1] - 10:23 clear [5] - 36:20, 112:8, 113:12, 126:9, 133:4 clearance [2] - 15:13, 84:11 clearly [1] - 100:15 CLERK [6] - 6:22, 72:7, 80:5, 80:7, 106:24, 140:16 CLI [1] - 110:15 client [1] - 5:25 clientele [1] - 131:23 climb [1] - 53:16 close [5] - 21:23, 35:5, 41:23, 42:16, 135:13 closed [3] - 134:6, 135:16, 135:25 closer [4] - 69:19, 69:22, 70:11, 130:7 closest [2] - 18:20, 21:22 closing [1] - 23:7 coal [1] - 21:7 coaming [11] - 31:16, 31:21, 75:20, 89:3, 89:5, 94:23, 94:25, 128:14, 129:19, 133:2, 133:3 coamings [7] - 33:1, 97:21, 99:5, 102:7, 102:19, 132:24, 133:5 Coast [69] - 8:17, 11:17, 29:16, 41:1, 43:14, 51:13, 51:19,</p>	<p>73:23, 74:2, 74:4, 89:9, 89:10, 90:6, 90:9, 90:11, 90:13, 90:14, 91:13, 93:2, 100:24, 101:2, 101:14, 101:25, 106:15, 110:5, 110:14, 115:5, 116:1, 116:9, 116:14, 116:25, 117:6, 117:15, 117:18, 118:8, 118:20, 118:21, 119:1, 119:6, 119:16, 119:21, 120:5, 120:10, 120:16, 121:1, 121:15, 121:24, 122:3, 122:10, 123:1, 123:12, 123:16, 123:22, 124:5, 124:7, 129:13, 129:16, 129:24, 130:1, 130:3, 130:5, 130:9, 130:12, 130:17, 130:18, 130:21, 130:24, 132:13, 137:22 coating's [1] - 123:22 coatings [4] - 129:16, 130:10, 130:13, 132:13 Code [2] - 90:9, 116:2 codes [1] - 92:13 color [17] - 33:3, 33:5, 33:21, 55:21, 55:22, 58:19, 89:5, 95:25, 96:4, 98:24, 100:3, 121:13, 123:22, 129:17, 130:10, 134:25, 137:23 color's [1] - 130:13 coloration [1] - 95:22 colors [11] - 95:20, 96:6, 96:10, 98:3, 98:9, 99:1, 99:20, 100:6, 100:14, 101:4 combatant [1] - 128:25 combatants [1] - 126:8 combination [1] - 115:14 combined [1] - 103:10 combings [1] - 91:7 coming [5] - 13:18, 27:5, 32:10, 52:9, 106:11 Command [6] - 8:24,</p>	<p>59:24, 60:1, 60:7, 65:7, 126:7 command [2] - 101:15 commanders [2] - 128:25, 129:24 Commencing [1] - 1:11 commend [1] - 5:18 comments [1] - 37:4 commercial [15] - 84:21, 90:7, 101:16, 102:1, 103:5, 105:19, 115:6, 115:14, 115:15, 116:6, 116:17, 122:20, 124:5, 124:21 commercially [2] - 101:18, 101:24 commissioned [1] - 131:7 common [2] - 53:6, 84:19 community [1] - 61:6 companies [2] - 82:23, 89:17 company [2] - 15:2, 84:21 comparison [1] - 87:22 complement [4] - 122:5, 122:10, 122:17, 122:23 complete [4] - 7:20, 38:12, 74:1, 75:1 completed [5] - 37:8, 37:16, 42:5, 42:9, 43:15 compliance [6] - 91:16, 92:1, 92:20, 93:2, 93:11, 94:4 complies [3] - 90:8, 93:23, 94:6 compliment [1] - 122:8 components [2] - 85:25, 86:8 computer [1] - 1:23 computer-aided [1] - 1:23 concern [1] - 125:12 concludes [2] - 139:22, 140:17 conclusion [2] - 104:6, 119:14 conclusions [1] - 104:14 Condition [1] - 42:14 condition [16] - 33:21, 36:6, 53:2, 53:14,</p>	<p>53:18, 55:13, 87:24, 87:25, 88:1, 89:16, 92:2, 92:21, 93:22, 111:15, 131:13, 134:18 conditions [1] - 126:3 conducted [1] - 46:11 conferences [1] - 119:24 confident [1] - 6:8 configuration [2] - 86:1, 118:23 confirm [2] - 89:15, 93:22 confused [1] - 75:19 confusing [1] - 113:6 connection [1] - 83:8 consider [3] - 81:14, 82:16, 107:6 considerations [1] - 83:5 considered [3] - 63:1, 63:4, 82:1 consistent [1] - 86:24 console [2] - 11:24, 29:14 constructed [3] - 84:20, 85:13, 98:17 constructing [1] - 98:18 construction [6] - 81:19, 81:25, 82:12, 83:20, 84:5, 121:12 constructs [1] - 86:3 consult [2] - 48:6, 107:10 Consulting [2] - 80:18, 80:19 consulting [1] - 80:20 container [1] - 66:13 contemplate [1] - 118:9 contemplating [1] - 119:19 continue [1] - 50:19 continued [1] - 53:21 continuously [1] - 14:15 contract [14] - 17:5, 17:6, 85:14, 85:17, 85:23, 86:2, 86:13, 86:25, 88:7, 126:2, 126:15, 127:8 contrast [1] - 101:5 control [6] - 12:3, 25:1, 28:22, 28:23, 28:24, 35:3 controlled [3] - 17:24, 17:25, 18:4 controls [4] - 11:25,</p>	<p>24:25, 25:2, 28:25 convenience [1] - 88:12 conversion [1] - 85:2 converted [3] - 125:4, 125:7, 131:3 cooks [1] - 10:16 cool [1] - 26:5 cooler [1] - 26:5 copies [2] - 113:4, 113:20 copy [4] - 57:7, 68:24, 69:3, 69:5 corner [2] - 21:22, 21:23 corporations [1] - 121:13 correct [170] - 6:15, 12:15, 12:16, 18:9, 18:15, 19:25, 20:1, 20:15, 20:21, 25:10, 26:22, 31:1, 31:2, 31:14, 35:14, 36:25, 37:15, 37:16, 37:17, 37:23, 38:19, 39:10, 39:11, 41:13, 41:14, 49:6, 49:7, 50:9, 55:2, 55:7, 56:25, 59:12, 59:19, 59:24, 59:25, 60:12, 60:13, 60:16, 60:18, 61:11, 61:12, 61:20, 61:21, 61:23, 61:24, 62:1, 62:2, 62:11, 62:12, 63:2, 63:3, 63:11, 63:12, 63:18, 63:22, 64:10, 64:11, 65:18, 65:21, 66:3, 66:4, 66:6, 66:10, 66:19, 66:21, 66:23, 66:24, 67:18, 67:19, 68:3, 68:4, 68:11, 68:22, 70:8, 70:18, 73:11, 73:12, 75:2, 75:6, 75:21, 75:22, 76:2, 76:17, 83:2, 83:3, 83:8, 87:3, 91:18, 93:6, 94:12, 95:2, 95:10, 107:7, 107:8, 107:12, 107:13, 107:17, 107:21, 107:25, 108:4, 108:7, 108:8, 108:17, 108:22, 109:1, 109:3, 109:4, 109:7, 109:21, 109:24, 110:2, 110:19, 110:20, 111:16, 111:17, 112:4, 113:5,</p>
--	--	---	---	--

<p>113:15, 113:21, 113:22, 114:16, 114:24, 115:7, 115:17, 115:20, 115:24, 115:25, 116:3, 116:7, 117:15, 120:19, 121:4, 121:20, 123:6, 123:9, 123:10, 124:7, 124:10, 124:14, 124:18, 125:20, 126:14, 127:13, 127:24, 128:20, 129:17, 129:22, 130:10, 130:13, 130:25, 132:11, 132:14, 132:25, 133:6, 133:10, 133:11, 133:20, 133:21, 133:24, 134:2, 134:3, 134:16, 134:20, 134:21, 134:23, 135:1, 135:9, 135:18, 136:10, 136:20</p> <p>correction [2] - 121:17, 133:4</p> <p>correctly [4] - 112:1, 112:17, 118:16, 134:14</p> <p>cost [4] - 101:20, 126:11, 132:6</p> <p>Counsel [1] - 6:25</p> <p>counsel [19] - 5:18, 22:10, 37:4, 40:15, 42:18, 52:10, 57:24, 69:5, 79:5, 79:10, 79:25, 80:10, 81:7, 83:25, 97:11, 98:12, 138:14, 140:7, 140:14</p> <p>counter [1] - 78:1</p> <p>couple [2] - 21:13, 75:13</p> <p>course [11] - 66:9, 74:1, 82:21, 82:22, 85:1, 94:6, 102:24, 103:8, 110:24, 112:12, 114:8</p> <p>court [1] - 5:1</p> <p>COURT [195] - 1:1, 5:4, 5:15, 6:16, 6:22, 6:24, 9:11, 21:21, 21:24, 22:2, 22:5, 22:10, 22:12, 27:2, 27:5, 27:8, 27:10, 27:13, 27:16, 27:21, 27:23, 27:25, 28:4,</p>	<p>28:6, 28:11, 28:13, 28:16, 30:18, 30:20, 30:24, 31:3, 31:15, 31:18, 31:25, 32:4, 32:6, 34:1, 34:4, 34:10, 36:9, 36:11, 36:13, 36:17, 36:23, 36:25, 37:4, 37:6, 40:5, 40:7, 40:11, 40:13, 40:15, 41:10, 41:25, 42:2, 42:17, 43:2, 43:10, 43:12, 43:17, 43:19, 45:5, 45:7, 47:7, 47:12, 47:14, 47:16, 47:20, 47:22, 50:10, 51:20, 51:22, 52:4, 52:7, 52:9, 52:16, 52:19, 54:3, 54:7, 54:22, 57:11, 57:16, 57:20, 57:23, 58:1, 58:3, 58:6, 59:2, 59:6, 69:1, 69:5, 69:7, 70:2, 70:10, 70:14, 72:6, 72:7, 72:10, 72:12, 73:16, 73:21, 75:11, 75:13, 75:18, 75:23, 76:1, 76:4, 76:8, 76:12, 76:15, 76:19, 76:22, 77:3, 77:5, 77:9, 77:12, 77:15, 77:18, 77:20, 77:23, 78:2, 78:6, 78:10, 78:14, 78:17, 78:19, 78:21, 78:23, 78:25, 79:2, 79:4, 79:7, 79:10, 79:12, 79:15, 79:18, 79:23, 79:25, 80:5, 80:7, 80:8, 80:10, 81:7, 83:12, 83:15, 83:19, 83:24, 84:6, 87:11, 87:19, 88:3, 88:20, 88:22, 97:9, 97:11, 97:17, 98:12, 98:21, 99:18, 100:1, 102:15, 103:21, 104:10, 104:20, 105:3, 106:11, 106:13, 106:19, 106:22, 106:24, 106:25, 126:19, 126:21, 127:1, 127:3, 128:4, 132:18, 137:18, 138:6, 138:9, 138:11, 138:13, 138:18, 138:24, 139:5, 139:12, 139:18, 139:20, 139:22, 139:25,</p>	<p>140:5, 140:7, 140:11, 140:14, 140:16</p> <p>Court [16] - 1:20, 5:19, 6:4, 8:12, 10:14, 11:11, 11:21, 21:5, 51:7, 51:19, 70:10, 89:11, 91:21, 94:17, 101:11, 140:17</p> <p>Court's [3] - 30:20, 79:4, 127:18</p> <p>Courthouse [1] - 1:10</p> <p>Cove [1] - 81:6</p> <p>coveralls [2] - 11:5, 11:6</p> <p>covered [1] - 124:10</p> <p>crack [2] - 13:23, 21:16</p> <p>Craig [9] - 23:15, 23:16, 25:22, 34:14, 39:9, 42:23, 70:21, 71:11, 71:15</p> <p>crawl [3] - 54:10, 54:12</p> <p>create [1] - 85:16</p> <p>credential [1] - 9:19</p> <p>credentials [1] - 81:23</p> <p>crescent [1] - 13:10</p> <p>crew [21] - 62:11, 62:13, 63:16, 88:8, 88:13, 108:19, 115:11, 115:23, 118:6, 118:12, 118:18, 122:7, 122:16, 122:19, 122:20, 122:23, 122:25, 125:10, 125:12, 132:4</p> <p>crews [1] - 88:15</p> <p>CROSBY [1] - 5:13</p> <p>Crosby [2] - 2:15, 5:13</p> <p>cross [10] - 33:16, 59:6, 68:6, 70:23, 99:25, 105:5, 106:23, 128:4, 140:6, 140:10</p> <p>CROSS [4] - 3:5, 3:7, 59:7, 107:2</p> <p>cross-examination [1] - 128:4</p> <p>CROSS- EXAMINATION [4] - 3:5, 3:7, 59:7, 107:2</p> <p>cross-examine [2] - 59:6, 106:23</p> <p>crouch [1] - 54:9</p> <p>CRR [1] - 1:20</p> <p>cue [1] - 138:22</p> <p>curious [1] - 118:25</p> <p>current [5] - 9:24,</p>	<p>53:2, 53:14, 53:18, 132:15</p> <p>cursor [5] - 33:16, 34:2, 34:5, 39:2, 46:13</p> <p>curve [1] - 75:20</p> <p>custom [11] - 97:2, 99:11, 101:8, 102:6, 102:11, 103:2, 103:11, 103:16, 121:14, 123:24, 123:25</p> <p>cut [2] - 92:17, 116:22</p> <p>cutter [4] - 122:11, 130:5, 130:17, 130:24</p> <p>cutters [4] - 122:3, 124:7, 129:24, 130:1</p>	<p>decks [2] - 91:9, 105:14</p> <p>declared [1] - 41:21</p> <p>declares [1] - 89:23</p> <p>decommissioned [1] - 132:10</p> <p>deemed [1] - 84:1</p> <p>Defendant [2] - 1:7, 2:11</p> <p>defendant [2] - 20:5, 93:14</p> <p>Defendant's [16] - 3:18, 4:10, 4:12, 4:14, 18:10, 28:15, 72:13, 90:2, 90:18, 91:20, 91:24, 92:4, 92:18, 92:24, 106:20, 139:15</p> <p>defendant's [4] - 33:15, 33:18, 87:3, 106:16</p> <p>defendants [2] - 20:5, 107:4</p> <p>Defense [1] - 60:9</p> <p>defer [1] - 107:24</p> <p>define [1] - 102:11</p> <p>defined [2] - 102:4, 105:21</p> <p>definitely [1] - 100:8</p> <p>degree [2] - 81:3, 104:2</p> <p>demarking [1] - 97:3</p> <p>demonstrated [1] - 136:23</p> <p>Demonstration [1] - 52:17</p> <p>Denebola [94] - 12:5, 12:9, 12:10, 12:14, 18:6, 18:16, 20:20, 20:24, 20:25, 21:2, 22:14, 22:19, 22:25, 23:5, 23:12, 23:19, 24:6, 24:24, 26:22, 29:12, 30:14, 33:23, 35:8, 36:14, 36:18, 36:21, 36:23, 38:24, 39:15, 39:16, 41:15, 41:19, 42:24, 43:22, 48:10, 54:25, 55:1, 55:6, 55:14, 55:16, 67:23, 69:12, 69:15, 70:19, 71:6, 74:10, 74:12, 84:12, 84:14, 84:17, 84:18, 85:7, 87:7, 87:13, 88:1, 89:3, 94:9, 112:3, 112:7, 112:14, 112:22, 113:19, 114:15, 114:20, 115:16, 115:19,</p>
--	--	--	---	---

<p>116:3, 116:10, 117:19, 120:19, 121:3, 121:19, 122:14, 122:15, 122:17, 122:19, 122:23, 122:25, 123:4, 123:12, 123:23, 124:3, 124:10, 124:17, 125:22, 126:14, 127:6, 127:10, 127:13, 127:22, 131:25, 133:9</p> <p>Denebola's [1] - 115:3</p> <p>denied [6] - 74:3, 74:7, 105:16, 105:20, 105:23, 106:5</p> <p>denominated [1] - 22:17</p> <p>Department [4] - 60:9, 64:9, 64:13, 130:21</p> <p>DEPARTMENT [1] - 2:7</p> <p>department [9] - 10:16, 10:18, 10:20, 10:21, 10:22, 10:25, 11:14, 11:15, 125:2</p> <p>departments [1] - 10:14</p> <p>deposed [4] - 68:15, 68:18, 104:15, 105:4</p> <p>deposition [12] - 69:3, 69:9, 69:19, 69:22, 70:5, 79:17, 127:17, 127:20, 128:2, 138:15, 139:7, 139:10</p> <p>Depot [1] - 13:11</p> <p>depth [2] - 137:12, 137:13</p> <p>DEPUTY [6] - 6:22, 72:7, 80:5, 80:7, 106:24, 140:16</p> <p>derived [1] - 99:16</p> <p>describe [10] - 16:6, 16:25, 19:7, 21:5, 29:8, 32:9, 51:7, 55:18, 77:12, 100:23</p> <p>described [1] - 18:23</p> <p>Description [1] - 3:13</p> <p>design [16] - 81:16, 81:20, 82:21, 83:5, 83:20, 84:5, 84:23, 89:14, 92:8, 97:9, 97:12, 98:22, 99:5, 99:20, 105:6, 118:23</p> <p>designed [7] - 82:21, 97:6, 114:9, 114:10, 122:1, 122:3, 126:10</p>	<p>designers [1] - 107:10</p> <p>designing [2] - 97:14, 99:1</p> <p>designs [1] - 88:7</p> <p>desk [1] - 71:12</p> <p>destroyer [3] - 122:5, 122:18, 122:23</p> <p>destroyers [1] - 9:1</p> <p>detail [2] - 86:16, 86:17</p> <p>detailed [1] - 85:21</p> <p>details [8] - 85:19, 85:20, 86:1, 86:11, 86:19, 86:20, 86:21</p> <p>detected [1] - 109:15</p> <p>determine [3] - 95:4, 95:6, 95:22</p> <p>determined [1] - 95:18</p> <p>determining [1] - 97:25</p> <p>develop [3] - 86:10, 102:2, 102:3</p> <p>developed [5] - 82:13, 99:12, 101:13, 101:24, 103:4</p> <p>developing [3] - 107:10, 107:21, 112:13</p> <p>development [1] - 119:19</p> <p>developments [2] - 101:17, 120:11</p> <p>device [1] - 54:16</p> <p>devices [1] - 49:24</p> <p>diagnosed [1] - 18:3</p> <p>diagonal [1] - 100:12</p> <p>diameter [2] - 53:10, 53:12</p> <p>diesel [2] - 21:9, 21:10</p> <p>differ [1] - 131:24</p> <p>difference [4] - 19:7, 19:8, 88:24, 112:20</p> <p>differences [2] - 19:12, 87:17</p> <p>different [27] - 10:22, 19:9, 19:10, 19:17, 19:22, 26:7, 33:3, 69:13, 82:23, 86:18, 87:6, 88:18, 89:2, 89:5, 95:20, 95:25, 96:6, 96:10, 98:18, 101:21, 113:3, 120:21, 125:2, 132:2, 132:24, 134:18, 137:8</p> <p>differentiate [1] - 115:10</p> <p>differentiation [1] - 95:20</p> <p>diligently [1] - 50:13</p>	<p>dimension [2] - 113:14, 113:16</p> <p>dimensional [2] - 113:10, 113:16</p> <p>dimensions [1] - 113:18</p> <p>direct [3] - 71:4, 87:5, 107:11</p> <p>DIRECT [4] - 3:4, 3:6, 7:2, 80:12</p> <p>direction [1] - 71:18</p> <p>directly [2] - 123:23, 135:8</p> <p>disagreement [1] - 31:22</p> <p>discharge [1] - 75:4</p> <p>discharged [1] - 8:8</p> <p>discharges [3] - 64:23, 64:25, 65:7</p> <p>discuss [2] - 113:24, 137:2</p> <p>discussed [6] - 5:24, 59:10, 83:18, 107:11, 119:10, 120:15</p> <p>discussing [3] - 113:18, 119:18, 134:22</p> <p>discussion [1] - 113:2</p> <p>discussions [1] - 119:24</p> <p>dishwasher [1] - 11:14</p> <p>dispatch [1] - 133:23</p> <p>dispute [1] - 9:10</p> <p>distal [1] - 46:15</p> <p>distinction [3] - 118:16, 119:9, 119:11</p> <p>District [2] - 5:2, 5:17</p> <p>DISTRICT [3] - 1:1, 1:1, 1:14</p> <p>dock [2] - 16:3, 18:21</p> <p>docked [2] - 18:8, 18:16</p> <p>doctor [6] - 44:25, 48:19, 56:12, 76:15, 121:23, 138:16</p> <p>doctor's [1] - 79:16</p> <p>document [26] - 8:19, 9:6, 9:13, 9:18, 9:24, 17:11, 20:10, 28:3, 28:6, 37:1, 40:24, 51:14, 52:1, 52:2, 52:3, 52:5, 52:14, 53:22, 56:23, 64:22, 65:1, 65:2, 91:21, 92:18, 92:25, 93:12</p> <p>Documentation [1] - 91:22</p>	<p>documentation [1] - 110:6</p> <p>documents [10] - 8:18, 83:11, 86:2, 86:25, 89:8, 89:9, 103:24, 106:15, 110:13</p> <p>dominant [1] - 7:9</p> <p>done [3] - 85:9, 86:17, 140:4</p> <p>door [21] - 58:13, 69:11, 71:25, 108:14, 134:5, 134:22, 135:4, 135:7, 135:11, 135:14, 135:16, 135:17, 135:21, 136:4, 136:8, 136:11, 136:13, 136:16, 136:20, 137:5, 137:7</p> <p>Door [1] - 42:15</p> <p>door's [1] - 135:25</p> <p>doors [7] - 117:23, 118:9, 118:18, 118:19, 119:13, 120:8, 137:21</p> <p>doorway [6] - 30:13, 94:19, 114:9, 114:10, 114:11, 134:5</p> <p>doorways [4] - 91:7, 116:15, 120:6, 133:5</p> <p>doubt [1] - 130:4</p> <p>down [30] - 12:24, 12:25, 13:2, 13:3, 21:19, 26:5, 30:3, 30:4, 35:4, 36:1, 38:6, 45:14, 45:17, 49:16, 53:17, 56:13, 72:17, 73:25, 77:1, 77:11, 79:2, 109:15, 130:2, 131:4, 136:19, 136:20, 137:3, 138:11</p> <p>dozens [7] - 102:23, 103:9, 103:19, 104:16</p> <p>Dr [26] - 47:1, 47:18, 47:22, 48:15, 48:18, 48:22, 48:24, 50:19, 56:16, 80:13, 81:14, 83:17, 84:11, 88:7, 97:20, 99:1, 100:3, 102:18, 103:24, 106:9, 107:3, 120:15, 127:5, 128:8, 132:10, 139:7</p> <p>drafted [1] - 119:15</p> <p>drafting [1] - 119:6</p>	<p>drag [1] - 135:7</p> <p>drawings [8] - 82:2, 85:16, 85:17, 85:21, 86:13, 86:16, 86:17</p> <p>drill [3] - 15:18, 15:19, 15:25</p> <p>drillings [1] - 123:3</p> <p>drills [6] - 15:15, 15:16, 15:22, 123:3</p> <p>Drive [1] - 2:4</p> <p>drive [2] - 36:5, 67:12</p> <p>drove [2] - 35:25, 36:1</p> <p>drug [1] - 123:8</p> <p>due [2] - 41:22, 125:14</p> <p>dull [1] - 77:13</p> <p>DULY [2] - 6:20, 80:3</p> <p>during [10] - 39:15, 60:17, 65:21, 66:9, 66:22, 67:7, 74:18, 85:1, 109:21</p> <p>duties [2] - 15:3, 22:20</p> <p>duty [6] - 15:11, 39:15, 41:5, 41:22, 49:6, 67:13</p>
E				
<p>E-1 [1] - 8:4</p> <p>E-2 [2] - 8:3, 8:4</p> <p>Earnest [1] - 6:18</p> <p>easily [4] - 100:13, 101:25, 103:5, 105:19</p> <p>eat [1] - 15:7</p> <p>echo [1] - 125:17</p> <p>economic [1] - 140:2</p> <p>economy [1] - 88:11</p> <p>edema [2] - 46:24, 46:25</p> <p>education [2] - 83:1, 108:6</p> <p>educational [2] - 7:17, 80:24</p> <p>efficient [1] - 6:3</p> <p>effort [1] - 101:17</p> <p>Egypt [1] - 9:5</p> <p>eight [4] - 12:6, 12:24, 76:22, 76:24</p> <p>Eisdorfer [2] - 2:14, 5:14</p> <p>EISDORFER [1] - 5:14</p> <p>either [7] - 13:2, 16:3, 16:10, 48:9, 48:20, 60:2, 94:23</p> <p>elbow [7] - 39:8, 41:4, 41:20, 46:7, 49:14, 49:16, 50:16</p> <p>elderly [4] - 131:21, 131:22, 132:3, 132:9</p>				

United States District Court
District of New Jersey

<p>factor [2] - 82:10, 107:15</p> <p>factor's [4] - 99:6, 99:7, 99:15, 100:8</p> <p>factors [25] - 81:22, 81:23, 81:25, 82:2, 82:13, 83:1, 83:5, 99:9, 99:13, 99:21, 99:24, 104:13, 105:18, 107:6, 107:9, 107:15, 107:20, 107:25, 108:3, 108:7, 108:9, 111:3, 117:5, 117:8</p> <p>fair [8] - 14:15, 22:10, 22:11, 24:18, 30:12, 39:24, 66:5, 66:8</p> <p>fairly [2] - 88:13, 117:2</p> <p>fall [7] - 31:7, 31:10, 44:21, 70:16, 75:24, 104:6, 113:20</p> <p>Fall [1] - 41:4</p> <p>falling [2] - 128:16, 129:21</p> <p>familiar [6] - 51:13, 97:7, 97:20, 101:10, 102:18, 121:8</p> <p>far [3] - 51:14, 86:6, 128:5</p> <p>fast [1] - 72:18</p> <p>features [1] - 87:1</p> <p>February [4] - 19:25, 20:6, 20:11, 67:1</p> <p>Federal [3] - 1:10, 90:9, 116:2</p> <p>federal [1] - 29:16</p> <p>feet [3] - 16:12, 22:7, 22:8</p> <p>fell [5] - 31:11, 32:9, 32:12, 39:8, 105:16</p> <p>felt [1] - 32:14</p> <p>few [2] - 121:24, 132:21</p> <p>FFD [1] - 41:21</p> <p>field [2] - 107:25, 137:5</p> <p>fighting [1] - 53:12</p> <p>figure [1] - 34:9</p> <p>filed [1] - 57:3</p> <p>filled [2] - 35:16, 110:9</p> <p>filling [1] - 110:8</p> <p>final [2] - 98:2, 104:6</p> <p>finally [1] - 94:2</p> <p>finder [1] - 6:4</p> <p>findings [1] - 93:14</p> <p>fine [3] - 120:25, 138:20, 138:21</p> <p>finger [1] - 19:3</p> <p>fire [12] - 15:16, 15:18, 15:19, 15:20, 21:10,</p>	<p>21:11, 53:10, 53:12, 119:3, 123:2</p> <p>fireman [1] - 11:16</p> <p>first [26] - 5:16, 8:10, 19:24, 20:6, 22:14, 22:18, 26:21, 39:6, 48:1, 61:18, 62:13, 62:14, 62:21, 63:1, 63:10, 63:13, 63:16, 70:9, 70:22, 71:9, 71:10, 71:19, 101:24, 106:5, 124:21, 126:16</p> <p>fish [2] - 32:2, 32:5</p> <p>FISHER [8] - 3:6, 3:7, 3:8, 3:9, 80:3, 80:12, 107:2, 137:20</p> <p>Fisher [20] - 79:14, 80:2, 80:6, 80:13, 80:18, 80:19, 81:14, 83:17, 84:11, 88:7, 97:20, 99:1, 100:3, 102:18, 103:24, 107:3, 120:15, 127:5, 128:8, 132:10</p> <p>Fisher's [1] - 106:9</p> <p>fishing [2] - 78:12, 78:21</p> <p>fit [1] - 41:22</p> <p>five [8] - 13:15, 22:7, 77:8, 77:9, 135:21, 136:8, 136:9, 138:21</p> <p>fixtures [2] - 111:21, 111:22</p> <p>flanges [1] - 13:17</p> <p>flash [1] - 26:5</p> <p>flat [1] - 94:22</p> <p>flooding [1] - 123:3</p> <p>Floor [1] - 2:9</p> <p>flotation [1] - 54:16</p> <p>focus [2] - 118:21, 118:23</p> <p>focusing [1] - 120:12</p> <p>follow [2] - 50:19, 121:15</p> <p>following [2] - 39:13, 55:1</p> <p>FOLLOWS [2] - 6:21, 80:4</p> <p>foot [1] - 32:11</p> <p>FOR [1] - 1:1</p> <p>forbidden [1] - 137:24</p> <p>forbids [1] - 138:1</p> <p>force [1] - 132:14</p> <p>foreground [1] - 101:1</p> <p>form [3] - 43:15, 131:1, 131:2</p> <p>formal [3] - 83:1, 91:23, 108:6</p> <p>formed [1] - 133:17</p>	<p>forming [2] - 133:12, 133:19</p> <p>forms [1] - 42:5</p> <p>formulating [1] - 110:23</p> <p>forth [4] - 5:21, 86:1, 91:5, 107:23</p> <p>foundation [6] - 88:2, 97:14, 97:17, 98:23, 102:13, 102:14</p> <p>four [10] - 12:24, 13:15, 22:7, 34:7, 36:17, 95:25, 96:3, 96:15, 119:18</p> <p>four-and-a-half [2] - 96:3, 96:15</p> <p>four-and-a-quarter [1] - 96:3</p> <p>four-plus [1] - 95:25</p> <p>Frank [1] - 1:9</p> <p>free [1] - 86:23</p> <p>Freehold [2] - 36:1, 48:12</p> <p>Friedman [1] - 5:7</p> <p>FRIEDMAN [2] - 2:2, 2:3</p> <p>front [2] - 89:4, 105:15</p> <p>fuel [2] - 21:9, 21:10</p> <p>full [7] - 53:11, 56:8, 56:10, 100:14, 100:15, 106:4, 122:17</p> <p>functional [1] - 125:3</p> <p>furnace [6] - 21:9, 21:10, 21:11, 21:14, 21:17, 21:18</p>	<p>106:6, 114:17</p> <p>glance [3] - 105:25, 106:1, 106:2</p> <p>glasses [3] - 17:14, 17:16, 17:20</p> <p>Glen [1] - 81:6</p> <p>government [4] - 6:9, 60:9, 107:4, 125:6</p> <p>grade [2] - 7:23, 7:24</p> <p>grasp [1] - 53:6</p> <p>gray [1] - 59:11</p> <p>greater [1] - 136:6</p> <p>green [1] - 91:8</p> <p>ground [2] - 52:25, 76:5</p> <p>Group [2] - 80:18, 80:19</p> <p>grow [1] - 7:13</p> <p>Guard [64] - 8:17, 11:17, 29:16, 41:1, 43:15, 51:13, 51:19, 73:23, 74:2, 74:4, 89:9, 89:10, 90:6, 90:9, 90:11, 90:13, 90:14, 91:13, 93:2, 100:24, 101:2, 101:14, 101:25, 106:15, 110:14, 116:1, 116:10, 116:14, 116:25, 117:6, 117:15, 117:18, 118:9, 118:20, 118:21, 119:1, 119:6, 119:16, 119:21, 120:10, 120:16, 121:1, 121:15, 121:24, 122:3, 122:10, 123:1, 123:12, 123:16, 123:22, 124:5, 124:7, 129:13, 129:16, 129:24, 130:1, 130:3, 130:5, 130:17, 130:18, 130:21, 130:24, 132:13, 137:22</p> <p>Guard's [5] - 110:6, 115:5, 120:5, 130:9, 130:12</p> <p>guess [7] - 27:15, 32:11, 37:2, 67:21, 98:23, 131:15, 140:11</p> <p>guidance [2] - 117:1, 117:15</p> <p>gun [1] - 78:8</p> <p>guns [1] - 123:4</p> <p>guy [1] - 35:6</p> <p>guys [2] - 10:17, 10:19</p>	<p>H</p> <p>half [6] - 10:10, 53:10, 53:12, 96:3, 96:15, 140:10</p> <p>Hamilton [1] - 56:13</p> <p>hammers [2] - 13:10, 13:11</p> <p>hand [6] - 7:9, 7:10, 98:6, 98:19, 98:20</p> <p>handle [1] - 5:22</p> <p>handling [1] - 15:1</p> <p>handwriting [3] - 38:20, 38:21, 38:22</p> <p>handwritten [1] - 42:15</p> <p>hanged [1] - 77:11</p> <p>Harbor [1] - 45:13</p> <p>hard [3] - 41:2, 57:7, 93:5</p> <p>hardness [1] - 26:9</p> <p>Hartness [1] - 9:4</p> <p>hatches [1] - 118:4</p> <p>HAVING [2] - 6:20, 80:3</p> <p>hawse [2] - 11:12, 11:18</p> <p>hazard [3] - 118:19, 120:6, 128:17</p> <p>hazards [3] - 124:16, 129:21, 129:23</p> <p>head [1] - 64:12</p> <p>hear [2] - 31:20, 118:16</p> <p>heard [11] - 30:8, 31:24, 32:10, 71:22, 105:1, 108:13, 109:16, 132:23, 133:8, 137:1, 137:21</p> <p>hearing [5] - 103:25, 108:21, 109:1, 109:7, 109:11</p> <p>heat [1] - 137:2</p> <p>heater [1] - 71:11</p> <p>heavy [3] - 16:4, 16:7, 123:4</p> <p>height [24] - 12:4, 89:1, 91:2, 94:7, 100:14, 100:15, 106:3, 112:2, 112:5, 112:7, 112:13, 112:16, 112:21, 113:6, 113:13, 113:15, 113:16, 113:18, 113:23, 114:2, 117:24, 136:6, 136:24</p> <p>heightened [1] - 29:18</p> <p>held [1] - 5:1</p> <p>helicopter [2] - 19:1,</p>
---	--	---	--	--

<p>19:4 helmsmen [1] - 10:19 help [9] - 21:3, 22:19, 23:21, 29:4, 35:6, 44:1, 61:7, 74:23, 75:3 helped [3] - 23:4, 23:6, 83:4 Hep [1] - 18:3 hepatitis [1] - 74:6 high [13] - 7:17, 7:19, 7:20, 7:22, 16:10, 17:22, 25:23, 81:1, 91:6, 95:24, 96:2, 122:10, 135:10 higher [1] - 91:9 highest [1] - 16:11 highly [1] - 101:6 Hinson [51] - 2:14, 5:8, 6:18, 6:23, 7:4, 9:16, 18:11, 20:3, 38:16, 41:18, 42:9, 46:10, 52:22, 54:25, 56:20, 58:9, 59:8, 59:18, 60:10, 60:17, 61:13, 64:22, 65:14, 66:8, 66:20, 66:25, 69:10, 69:19, 70:5, 73:2, 73:24, 94:20, 95:14, 96:22, 104:1, 105:16, 108:21, 109:10, 111:8, 112:3, 115:23, 123:13, 124:13, 125:14, 132:23, 133:16, 133:23, 134:4, 134:19, 135:18, 136:15 HINSON [7] - 1:3, 3:3, 3:4, 3:5, 6:20, 7:2, 59:7 Hinson's [11] - 9:13, 43:6, 46:7, 83:8, 95:5, 96:1, 104:3, 108:12, 108:25, 115:21, 122:15 hired [2] - 83:7, 92:7 hit [2] - 32:12, 32:15 hits [1] - 77:16 hobbies [1] - 78:6 hold [2] - 97:11, 106:22 home [3] - 48:5, 48:12, 51:9 Home [1] - 13:11 Homeland [1] - 130:22 Honor [76] - 5:6, 5:11, 6:15, 7:1, 9:10, 27:22, 28:5, 28:12, 30:17, 30:19, 31:20,</p>	<p>36:7, 36:10, 37:5, 40:4, 40:6, 40:12, 41:9, 42:1, 42:12, 43:1, 45:6, 47:15, 51:18, 51:25, 54:1, 54:19, 57:6, 57:10, 57:18, 57:19, 58:4, 59:4, 68:25, 69:6, 72:11, 75:12, 75:17, 79:6, 79:11, 79:22, 80:1, 80:11, 84:2, 84:9, 87:10, 87:12, 87:21, 97:4, 97:6, 97:13, 98:13, 99:23, 102:10, 102:14, 103:6, 103:13, 103:17, 104:4, 104:8, 104:21, 105:1, 106:10, 106:12, 106:18, 107:1, 126:25, 137:19, 138:5, 138:10, 138:12, 138:16, 139:2, 139:19, 139:24, 140:3 HONORABLE [1] - 1:13 Honorable [1] - 5:1 honorably [1] - 8:8 hopefully [2] - 40:19, 140:4 Hopefully [1] - 126:23 horn [5] - 108:21, 109:1, 109:7, 109:11, 133:23 horsepower [1] - 12:8 horsepowers [1] - 12:12 hose [2] - 53:10, 53:12 hospital [15] - 35:18, 35:22, 35:23, 35:24, 36:4, 37:9, 37:14, 37:22, 38:2, 41:5, 41:20, 41:23, 43:23, 47:11, 47:16 hour [3] - 140:4, 140:5, 140:10 hours [5] - 12:24, 21:13, 73:4, 140:11 house [2] - 78:12, 86:1 housekeeping [1] - 40:18 hull [2] - 85:23, 86:7 human [33] - 81:22, 81:23, 81:25, 82:2, 82:10, 82:13, 83:1, 83:5, 99:5, 99:7, 99:9, 99:12, 99:13,</p>	<p>99:15, 99:20, 99:24, 100:7, 104:13, 105:18, 107:6, 107:9, 107:15, 107:20, 107:25, 108:3, 108:7, 108:9, 110:18, 110:21, 111:2, 117:5, 117:8 hundreds [3] - 66:22, 132:24, 133:5 HUNT [1] - 2:8 hurt [1] - 44:3 hurting [1] - 35:5 hurts [1] - 77:11 hypothetical [1] - 88:22</p> <p style="text-align: center;">I</p> <p>ice [1] - 38:6 idea [1] - 24:16 identical [6] - 18:24, 19:4, 19:14, 86:4, 87:1, 87:8 identification [1] - 91:23 identified [2] - 100:13, 105:17 identify [2] - 38:20, 98:2 Illness [1] - 42:7 illustrated [1] - 136:24 illustration [1] - 130:12 images [1] - 86:5 imagine [1] - 122:17 immediately [2] - 130:9, 134:16 impact [1] - 126:11 implementable [2] - 103:5, 105:19 implementation [2] - 119:20, 132:7 implemented [1] - 101:19 implication [1] - 129:22 implied [2] - 129:20, 131:12 implies [1] - 99:14 important [1] - 86:21 impressed [1] - 109:12 impressive [1] - 81:10 improper [2] - 112:16, 112:18 inch [6] - 53:10, 53:12, 94:22, 106:3, 135:15, 135:16 inches [16] - 13:15,</p>	<p>94:22, 94:23, 94:24, 95:24, 95:25, 96:2, 96:3, 96:13, 96:15, 106:4, 135:21, 136:6, 136:8, 136:10 incident [8] - 11:8, 17:20, 24:5, 43:6, 43:8, 70:11, 74:10, 76:13 incision [1] - 46:17 include [5] - 65:23, 65:25, 66:2, 98:22, 128:17 included [1] - 100:17 including [1] - 99:20 incorporate [2] - 82:14, 83:5 incorporated [1] - 99:8 incorrect [2] - 39:24, 112:14 increasing [1] - 76:11 independent [2] - 89:12, 89:17 independently [1] - 89:15 Indian [2] - 9:5, 10:10 indicates [4] - 90:19, 91:15, 93:10, 98:21 indicating [7] - 17:11, 32:19, 34:6, 91:25, 92:18, 92:25, 94:2 individual [2] - 53:22, 54:17 individually [1] - 86:17 individuals [1] - 43:8 industry [21] - 84:20, 97:1, 97:2, 99:10, 101:8, 101:12, 102:6, 102:12, 102:20, 103:2, 103:8, 103:12, 103:16, 104:16, 116:15, 117:1, 117:4, 121:6, 121:14, 123:24, 123:25 information [4] - 39:4, 39:19, 57:14, 133:18 injured [1] - 56:21 injuries [3] - 34:15, 34:17, 34:20 injury [2] - 41:20, 104:18 Injury [1] - 42:7 insertion [3] - 46:18, 46:19, 46:24 inside [4] - 13:20, 16:2, 97:15, 133:13</p>	<p>insofar [1] - 84:3 inspected [11] - 90:20, 90:21, 90:22, 91:16, 92:1, 92:19, 93:1, 93:10, 94:4, 95:1, 111:18 Inspection [3] - 90:4, 90:7, 90:23 inspection [5] - 90:22, 95:18, 103:25, 110:11, 116:23 instance [1] - 133:22 instances [2] - 16:1, 32:2 Institute [1] - 81:3 institution [1] - 48:20 instructed [1] - 21:2 instruction [7] - 125:16, 125:17, 125:18, 126:6, 128:9, 129:1, 129:10 instructions [2] - 52:14, 128:22 insurance [2] - 48:21, 89:16 intend [1] - 56:20 interchangeably [1] - 31:21 interdiction [1] - 123:8 interesting [1] - 124:19 interests [1] - 6:7 interior [3] - 91:1, 91:13 intern [2] - 109:23, 110:2 internal [2] - 105:14, 120:6 International [1] - 92:12 international [1] - 92:14 interpret [2] - 129:1, 129:25 interpretation [6] - 89:22, 93:23, 94:6, 123:21, 128:16, 128:20 interpreting [1] - 128:22 interview [3] - 129:9, 133:16, 133:19 interviewed [1] - 134:2 investigating [2] - 108:10, 110:22 Investigation [2] - 42:6, 42:14 involved [2] - 77:25,</p>
---	--	---	---	--

119:5 involves [1] - 21:6 irrelevant [2] - 119:4, 138:7 Island [1] - 81:6 issue [6] - 54:19, 81:21, 104:14, 104:19, 109:18, 128:17 issues [2] - 90:6, 93:4 items [2] - 88:9, 93:9 itself [9] - 26:4, 29:14, 52:1, 52:2, 52:6, 119:21, 128:15, 132:22, 134:5	83:14 judge [2] - 26:25, 123:14 JUDGE [1] - 1:14 judicial [3] - 51:19, 52:2, 70:10 July [10] - 48:2, 48:10, 48:12, 49:5, 68:15, 68:21, 69:25, 70:8, 70:11, 75:5 jumper [1] - 35:6 jumpers [1] - 11:4 jumpsuit [1] - 11:5 June [4] - 44:6, 44:8, 44:16, 46:8 Junior [3] - 5:8, 6:19, 6:23 junk [2] - 24:23, 25:7 jury [6] - 6:2, 21:20, 21:21, 22:4, 22:6, 22:7 JUSTICE [1] - 2:7 juxtapose [1] - 87:24	ladders [1] - 53:17 lady [1] - 22:1 lakes [1] - 78:11 Lakewood [1] - 78:8 large [3] - 60:6, 66:13, 66:17 larger [2] - 122:19, 122:23 last [3] - 56:16, 65:12, 65:13 latched [2] - 134:6, 134:7 latest [1] - 125:24 latitude [1] - 88:4 launched [1] - 125:15 Lautenberg [1] - 1:9 law [4] - 127:9, 127:11, 127:12, 127:22 lawsuit [1] - 5:22 lawyer [1] - 6:1 lawyer's [2] - 6:11, 70:6 lay [4] - 88:2, 97:17, 98:23, 102:14 lead [1] - 121:15 leaking [1] - 13:21 least [4] - 52:24, 76:6, 136:9 leave [7] - 15:9, 15:11, 15:13, 21:12, 37:13, 40:16, 48:5 leaving [1] - 22:25 left [8] - 7:9, 34:2, 36:18, 36:21, 36:23, 48:12, 49:5, 89:2 left-hand [1] - 7:9 legal [5] - 5:21, 123:11, 123:18, 123:20 length [2] - 22:6, 109:20 less [6] - 79:21, 118:19, 125:8, 125:9, 135:14, 135:16 lettering [1] - 117:24 level [6] - 28:24, 39:6, 61:22, 61:25, 125:11, 132:5 liability [1] - 5:22 license [3] - 11:16, 11:19, 62:15 licensed [3] - 62:10, 62:13, 62:24 lick [1] - 31:25 life [7] - 15:22, 15:25, 16:1, 16:8, 25:24, 56:22 lift [8] - 13:25, 14:4,	50:17, 50:23, 52:24, 53:6, 53:11 lifting [1] - 15:1 light [12] - 21:3, 21:5, 21:8, 22:20, 23:6, 39:16, 41:19, 50:17, 111:5, 111:21, 111:22 light-off [4] - 21:5, 22:20, 39:16, 41:19 lightest [1] - 134:25 lighting [5] - 23:19, 23:23, 111:7, 111:15, 111:18 lights [2] - 11:25, 30:2 likely [1] - 122:24 limitations [3] - 50:22, 50:25, 51:6 limited [1] - 51:10 line [2] - 137:9, 137:14 lines [1] - 19:10 lip [20] - 31:9, 31:24, 31:25, 39:3, 39:7, 42:15, 55:20, 55:24, 58:13, 58:18, 69:11, 69:15, 75:15, 75:20, 90:12, 91:15, 91:25, 92:19, 92:25 LIP [1] - 32:1 lips [2] - 33:1, 99:2 Lisette [2] - 40:16, 57:11 list [2] - 65:4, 93:9 listed [4] - 15:21, 39:23, 83:11, 93:14 lists [3] - 39:9, 43:7, 104:16 literally [1] - 132:24 litigation [1] - 112:13 live [1] - 15:5 lived [1] - 67:7 living [1] - 67:15 LLP [1] - 2:2 load [3] - 29:22, 52:25, 53:1 local [2] - 41:5, 41:20 located [7] - 25:3, 32:17, 32:18, 33:16, 81:5, 84:14, 84:15 location [1] - 86:9 Locust [2] - 18:13, 84:15 log [11] - 25:15, 40:21, 40:24, 40:25, 41:13, 41:15, 111:8, 133:9, 134:4, 134:15 logbook [1] - 41:1 look [21] - 11:22, 22:16, 29:4, 55:9, 70:8, 82:14, 99:10,	101:18, 103:1, 110:10, 114:14, 114:19, 116:5, 116:8, 121:6, 128:8, 129:13, 130:7, 132:17, 134:9, 136:25 looked [22] - 24:15, 24:17, 24:19, 26:15, 30:14, 33:12, 48:21, 55:18, 69:16, 75:7, 95:16, 114:22, 115:5, 116:9, 120:17, 121:1, 123:16, 123:17, 136:22, 137:15, 138:3 looking [40] - 26:11, 26:13, 28:19, 30:21, 30:23, 30:25, 39:16, 58:15, 58:16, 59:10, 71:12, 71:13, 71:15, 71:25, 72:2, 72:16, 72:21, 75:19, 87:16, 92:11, 94:19, 96:7, 96:9, 96:11, 100:25, 106:6, 115:1, 134:15, 136:11, 136:13, 136:16, 136:19, 137:3, 137:7, 137:8, 137:11, 137:13 looks [13] - 11:22, 19:24, 20:6, 20:10, 34:7, 37:18, 37:19, 50:6, 55:7, 55:8, 55:20, 75:19, 105:24 loop [1] - 107:14 loose [1] - 13:22 lose [1] - 30:6 love [2] - 130:20, 133:4 lower [1] - 91:12 lowering [1] - 16:1 lowest [1] - 10:22 lunch [3] - 109:19, 109:21, 138:17 lying [1] - 76:5
J	K			M
J-34 [1] - 27:14 jacket [1] - 16:8 JAMES [1] - 2:2 James [1] - 5:7 January [2] - 50:7, 50:11 Jeffrey [1] - 45:22 JERSEY [1] - 1:1 Jersey [5] - 2:4, 5:17, 48:20, 56:13, 67:13 job [7] - 8:13, 14:21, 14:22, 43:22, 62:23, 75:1, 101:19 JOSEPH [50] - 2:8, 3:5, 5:9, 27:7, 27:22, 28:5, 28:12, 30:19, 31:19, 36:10, 40:6, 40:12, 41:9, 42:1, 42:12, 43:1, 43:11, 43:18, 45:6, 47:6, 47:13, 47:21, 51:23, 51:25, 52:5, 53:20, 57:10, 57:15, 57:25, 59:4, 59:7, 68:25, 69:2, 69:8, 70:4, 70:13, 70:15, 71:2, 71:3, 72:8, 72:14, 72:19, 73:18, 73:22, 75:10, 79:11, 139:3, 139:19, 140:9, 140:13 Joseph [4] - 5:9, 59:9, 127:18, 127:25 Josh [1] - 59:8 Joshua [1] - 5:9 JOSHUA [1] - 2:8 joshua.h.joseph@usdoj.gov [1] - 2:10 JR [7] - 1:3, 3:3, 3:4, 3:5, 6:20, 7:2, 59:7 Jr [1] - 2:14 Judge [3] - 5:2, 27:12,	keep [9] - 7:6, 21:13, 25:18, 50:18, 77:11, 82:24, 91:7, 102:25, 138:18 Ken [1] - 79:14 KENNETH [8] - 3:6, 3:7, 3:8, 3:9, 80:3, 80:12, 107:2, 137:20 Kenneth [2] - 80:2, 80:6 kept [8] - 40:21, 41:13, 57:13, 63:22, 68:4, 76:11, 114:4, 114:5 killing [1] - 36:5 Kilmer [1] - 2:4 kilogram [1] - 52:25 kind [2] - 98:10, 103:19 kinds [2] - 11:25, 89:13 Kirstin [1] - 140:2 kneel [1] - 54:9 knowledge [5] - 69:11, 84:20, 111:7, 111:15, 131:6 known [3] - 9:18, 37:10, 85:11 Kucsma [1] - 140:2			
	L			
	lack [2] - 31:1, 81:22 lacks [2] - 88:19, 88:20			

<p>63:18</p> <p>maintained [3] - 67:4, 93:25, 131:13</p> <p>maintenance [9] - 81:16, 81:19, 81:25, 82:11, 83:20, 88:14, 89:15, 92:8, 122:16</p> <p>major [6] - 85:23, 85:24, 85:25, 86:7, 87:1</p> <p>makers [1] - 118:17</p> <p>man [1] - 123:3</p> <p>management [7] - 80:21, 81:15, 92:12, 92:13, 92:16, 92:22, 93:3</p> <p>manager [1] - 97:25</p> <p>mandatory [1] - 57:1</p> <p>manipulate [1] - 53:6</p> <p>manned [2] - 115:6, 115:13</p> <p>manner [2] - 100:18, 131:10</p> <p>manning [2] - 115:9, 131:25</p> <p>manual [9] - 123:22, 124:2, 124:3, 127:5, 129:13, 129:17, 130:10, 132:13</p> <p>manufacturers [1] - 114:12</p> <p>MARAD [2] - 125:23, 126:3</p> <p>March [3] - 20:11, 20:12</p> <p>marine [11] - 12:21, 80:20, 81:2, 81:17, 81:18, 82:6, 82:20, 108:16, 109:6, 109:7, 109:10</p> <p>Marine [2] - 18:13, 121:10</p> <p>mariner [4] - 8:10, 9:19, 28:6, 56:23</p> <p>mariner's [9] - 8:18, 8:19, 9:6, 9:13, 9:18, 9:24, 28:3, 51:14, 52:14</p> <p>maritime [9] - 79:13, 87:3, 102:6, 102:12, 102:19, 103:12, 104:16, 104:17, 118:8</p> <p>Maritime [7] - 16:21, 80:18, 80:19, 115:17, 125:1, 125:11, 127:8</p> <p>mark [6] - 52:7, 116:6, 117:23, 118:4, 120:18, 123:23</p>	<p>marked [14] - 9:7, 18:10, 20:2, 30:12, 31:12, 33:14, 37:10, 38:14, 40:17, 51:18, 58:9, 88:24, 90:17, 100:20</p> <p>market [1] - 89:18</p> <p>marking [2] - 123:13, 129:25</p> <p>markings [7] - 19:9, 89:1, 116:15, 118:9, 118:11, 119:13, 120:1</p> <p>married [1] - 7:15</p> <p>Martinotti [1] - 83:14</p> <p>MARTINOTTI [2] - 1:13, 5:2</p> <p>Maryland [2] - 18:14, 84:15</p> <p>massage [1] - 50:16</p> <p>Masters [5] - 37:10, 37:11, 40:9, 44:14, 48:2</p> <p>matched [1] - 113:15</p> <p>mate [4] - 35:25, 38:22, 38:24, 39:22</p> <p>math [3] - 61:3, 61:7, 61:8</p> <p>matter [3] - 40:18, 113:4, 120:3</p> <p>matters [2] - 114:2, 127:16</p> <p>mattress [1] - 16:9</p> <p>Mayer [3] - 45:22, 45:23, 47:1</p> <p>MAYER [1] - 45:22</p> <p>Mayer's [2] - 47:19, 47:22</p> <p>McAvoy's [1] - 87:2</p> <p>McKay [1] - 1:20</p> <p>McKay-Soule [1] - 1:20</p> <p>meals [1] - 15:7</p> <p>mean [23] - 13:9, 14:6, 16:7, 16:9, 24:23, 25:8, 30:4, 30:5, 72:2, 77:6, 86:4, 89:19, 100:11, 116:17, 116:22, 118:17, 119:11, 121:8, 124:19, 132:4, 135:20, 136:9</p> <p>meaningful [1] - 112:20</p> <p>means [6] - 30:6, 41:21, 85:22, 86:6, 89:20, 128:23</p> <p>measure [5] - 54:20, 87:20, 112:23, 135:10, 138:7</p>	<p>measurements [4] - 94:12, 94:18, 94:19, 94:21</p> <p>measures [5] - 87:15, 87:17, 105:7, 108:12, 108:25</p> <p>measuring [1] - 135:12</p> <p>mechanical [2] - 1:22, 89:14</p> <p>mechanism [2] - 99:14, 99:15</p> <p>medical [14] - 15:13, 17:1, 35:8, 37:14, 40:21, 40:23, 40:24, 40:25, 44:6, 44:18, 46:22, 73:23, 74:4, 74:8</p> <p>medication [3] - 18:1, 56:5, 77:20</p> <p>MedStar [1] - 45:13</p> <p>meet [2] - 8:20, 40:16</p> <p>Megan [2] - 1:20, 22:5</p> <p>megansoule430@gmail.com [1] - 1:21</p> <p>member [7] - 10:24, 16:18, 16:20, 16:22, 62:13, 108:19, 125:12</p> <p>members [2] - 62:10, 88:8</p> <p>mention [1] - 92:10</p> <p>mentioned [5] - 9:6, 23:9, 37:8, 101:10, 126:15</p> <p>merchant [18] - 8:10, 8:13, 8:17, 8:19, 9:6, 9:13, 9:18, 9:19, 9:22, 9:24, 10:15, 28:3, 28:6, 51:14, 52:14, 56:23, 132:1</p> <p>Meredith [6] - 23:16, 25:22, 34:14, 39:9, 42:23, 70:21</p> <p>Meredith's [2] - 23:18, 43:2</p> <p>Merrick [1] - 23:15</p> <p>mess [1] - 21:16</p> <p>metal [4] - 96:5, 96:11, 96:21, 96:23</p> <p>methods [1] - 121:13</p> <p>microphone [1] - 7:6</p> <p>middle [2] - 19:9, 69:10</p> <p>might [10] - 12:25, 13:1, 13:2, 13:19, 13:20, 14:6, 14:8, 17:8, 73:25, 113:23</p> <p>Mike [3] - 35:11, 38:22, 39:20</p>	<p>Military [7] - 8:24, 59:24, 60:1, 60:7, 65:7, 65:25, 126:7</p> <p>military [6] - 85:7, 115:8, 115:11, 115:14, 122:20, 123:6</p> <p>mind [2] - 118:17, 118:18</p> <p>minute [4] - 34:5, 36:15, 57:18, 57:23</p> <p>minutes [10] - 21:12, 56:17, 79:9, 79:12, 121:24, 133:14, 133:15, 138:14, 138:19, 138:21</p> <p>mirror [1] - 86:5</p> <p>miscellaneous [1] - 12:3</p> <p>misleading [2] - 106:7</p> <p>misrepresentation [1] - 105:25</p> <p>missile [2] - 9:2, 60:8</p> <p>missiles [1] - 9:3</p> <p>misspoke [1] - 120:20</p> <p>misstated [1] - 133:1</p> <p>mistaken [1] - 18:20</p> <p>modification [3] - 85:8, 111:13, 111:22</p> <p>modifications [1] - 85:9</p> <p>modified [1] - 85:1</p> <p>molding [1] - 78:13</p> <p>moment [3] - 118:11, 120:20, 137:2</p> <p>money [1] - 17:9</p> <p>monitor [1] - 13:1</p> <p>monitoring [2] - 12:25, 119:20</p> <p>month [4] - 67:10, 74:11, 74:15, 76:9</p> <p>months [1] - 67:8</p> <p>Morganville [1] - 2:4</p> <p>morning [10] - 5:4, 5:6, 5:11, 7:4, 7:5, 59:8, 80:13, 80:14, 104:1, 105:2</p> <p>most [4] - 10:24, 12:18, 76:6, 76:12</p> <p>motion [3] - 54:15, 56:8, 104:13</p> <p>motor [1] - 14:8</p> <p>Motrin [3] - 56:6, 77:21, 77:22</p> <p>Motrins [1] - 38:6</p> <p>move [24] - 9:8, 16:2, 27:1, 30:17, 36:7, 40:3, 40:10, 41:8, 41:24, 42:10, 42:24, 43:8, 43:16, 45:4,</p>	<p>47:5, 47:10, 47:18, 57:8, 58:25, 92:24, 103:22, 128:24, 139:9, 139:16</p> <p>moved [3] - 11:11, 72:5, 72:8</p> <p>movie [1] - 138:14</p> <p>moving [2] - 93:5, 138:18</p> <p>MR [217] - 3:4, 3:5, 3:7, 3:8, 3:9, 5:6, 5:9, 5:11, 6:15, 6:18, 7:1, 7:2, 9:9, 9:12, 9:15, 22:11, 22:13, 26:25, 27:4, 27:7, 27:9, 27:12, 27:15, 27:19, 27:22, 28:2, 28:5, 28:9, 28:12, 28:17, 28:18, 30:17, 30:19, 31:5, 31:17, 31:19, 31:20, 31:24, 32:1, 32:7, 32:8, 34:3, 34:9, 34:11, 34:12, 36:7, 36:10, 36:16, 36:20, 36:24, 37:3, 37:5, 37:7, 40:3, 40:6, 40:9, 40:12, 40:20, 41:8, 41:9, 41:12, 42:1, 42:4, 42:12, 42:13, 42:21, 43:1, 43:5, 43:11, 43:14, 43:18, 43:21, 45:4, 45:6, 45:9, 46:6, 46:9, 47:5, 47:6, 47:10, 47:13, 47:15, 47:18, 47:21, 47:24, 47:25, 50:11, 50:12, 51:17, 51:21, 51:23, 51:24, 51:25, 52:5, 52:8, 52:13, 52:18, 52:20, 52:21, 53:20, 54:1, 54:6, 54:8, 54:19, 54:24, 57:6, 57:10, 57:15, 57:18, 57:25, 58:4, 58:7, 58:8, 58:25, 59:3, 59:4, 59:7, 68:25, 69:2, 69:6, 69:8, 70:4, 70:13, 70:15, 71:2, 71:3, 72:8, 72:11, 72:14, 72:19, 73:15, 73:18, 73:20, 73:22, 75:10, 75:12, 75:17, 79:6, 79:9, 79:11, 79:13, 79:16, 79:20, 79:22, 80:1, 80:11, 80:12, 81:13, 83:13, 83:17, 84:2, 84:9, 84:10, 87:10, 87:12, 87:16, 87:21, 88:2,</p>
---	---	---	---	--

88:5, 88:6, 88:19, 88:21, 89:7, 97:4, 97:6, 97:13, 97:19, 98:13, 98:25, 99:23, 100:2, 102:10, 102:14, 102:17, 103:6, 103:13, 103:17, 103:23, 104:4, 104:8, 104:11, 104:21, 105:1, 105:10, 106:8, 106:12, 106:15, 106:18, 106:21, 107:1, 107:2, 126:25, 127:4, 128:3, 128:7, 132:20, 137:17, 137:19, 137:20, 138:5, 138:8, 138:10, 138:15, 138:20, 138:21, 138:22, 139:1, 139:3, 139:9, 139:13, 139:16, 139:19, 139:24, 140:1, 140:6, 140:9, 140:13 MRI [10] - 45:3, 45:10, 45:12, 45:24, 46:1, 46:7, 46:10, 47:1, 47:7, 76:16 MS [2] - 5:13, 5:14 MSC [1] - 125:22 multiday [1] - 62:3 multiple [2] - 98:3, 113:7 muscle [1] - 46:25 museum [11] - 130:18, 130:25, 131:3, 131:4, 131:14, 131:15, 131:16, 131:17, 131:19, 131:24, 132:3	navigation [1] - 116:23 Navy [49] - 8:1, 8:2, 8:3, 8:6, 8:14, 8:15, 59:21, 59:23, 65:23, 84:25, 85:8, 101:13, 101:15, 101:24, 115:12, 115:19, 121:15, 121:23, 122:1, 122:5, 122:18, 122:23, 123:1, 123:12, 123:16, 124:15, 124:21, 124:22, 124:23, 125:2, 125:4, 125:5, 125:7, 125:12, 125:13, 125:15, 126:2, 126:10, 126:11, 126:12, 127:5, 127:9, 127:21, 128:9, 128:22, 128:25, 129:5, 129:9, 137:22 Navy's [2] - 124:16, 124:24 NE [1] - 2:9 near [3] - 29:2, 45:14, 91:14 necessary [1] - 54:2 need [13] - 13:5, 13:23, 37:13, 37:22, 47:2, 52:3, 52:7, 54:14, 58:4, 93:24, 112:9, 138:25 needed [5] - 44:1, 45:3, 48:25, 74:1, 110:9 needs [2] - 23:9, 39:25 negative [1] - 35:20 Netherlands [1] - 85:5 never [6] - 25:23, 48:23, 60:21, 90:21, 109:9, 120:4 New [8] - 2:4, 5:17, 7:12, 7:14, 48:20, 56:13, 67:12, 81:6 NEW [1] - 1:1 new [3] - 95:22, 111:21, 122:6 Newark [1] - 5:17 next [7] - 28:20, 79:12, 89:6, 101:5, 109:19, 129:12, 129:15 night [2] - 60:22, 109:14 nobody [1] - 57:13 non [4] - 43:6, 121:22, 125:5, 126:12 non-Navy [2] - 125:5, 126:12 non-watertight [1] - 121:22 non-witnesses [1] - 43:6 noncommercial [1] - 103:4 none [2] - 94:1 nonlegal [1] - 127:23 nonregulatory [1] - 117:1 North [2] - 2:9, 109:14 notation [3] - 37:19, 41:3, 41:16 notes [1] - 135:12 nothing [14] - 24:23, 26:16, 53:23, 56:1, 57:19, 58:25, 91:15, 92:2, 92:21, 106:8, 112:2, 118:14, 138:1, 138:8 notice [3] - 51:19, 52:2, 70:10 noticed [1] - 136:1 November [1] - 94:11 nowhere [2] - 29:2, 91:14 nozzle [1] - 53:11 NUMBER [1] - 1:3 number [7] - 61:23, 105:13, 105:15, 115:8, 116:24, 117:4, 133:14 nuts [1] - 13:22 NVIC [7] - 116:25, 117:3, 117:9, 117:12, 117:13 NVIC's [1] - 117:8	126:12 non-watertight [1] - 121:22 non-witnesses [1] - 43:6 noncommercial [1] - 103:4 none [2] - 94:1 nonlegal [1] - 127:23 nonregulatory [1] - 117:1 North [2] - 2:9, 109:14 notation [3] - 37:19, 41:3, 41:16 notes [1] - 135:12 nothing [14] - 24:23, 26:16, 53:23, 56:1, 57:19, 58:25, 91:15, 92:2, 92:21, 106:8, 112:2, 118:14, 138:1, 138:8 notice [3] - 51:19, 52:2, 70:10 noticed [1] - 136:1 November [1] - 94:11 nowhere [2] - 29:2, 91:14 nozzle [1] - 53:11 NUMBER [1] - 1:3 number [7] - 61:23, 105:13, 105:15, 115:8, 116:24, 117:4, 133:14 nuts [1] - 13:22 NVIC [7] - 116:25, 117:3, 117:9, 117:12, 117:13 NVIC's [1] - 117:8	59:4, 72:10, 72:11, 73:15, 73:20, 87:10, 87:11, 88:19, 97:4, 99:22, 99:24, 102:10, 103:21, 104:4, 106:11, 106:12, 106:18, 106:25, 128:3, 139:3, 139:12, 139:13, 139:18, 139:19 observed [1] - 103:9 obtain [2] - 51:14, 84:11 obtained [4] - 52:15, 60:18, 61:9, 62:14 obtaining [1] - 60:20 occurred [5] - 22:24, 58:2, 79:24, 87:14, 138:23 Ocean [2] - 9:5, 10:10 oceangoing [1] - 92:13 October [3] - 1:11, 5:2, 7:8 OF [13] - 1:1, 1:6, 2:7, 3:4, 3:5, 3:6, 3:7, 3:8, 7:2, 59:7, 80:12, 107:2, 137:20 offensive [1] - 123:8 offer [1] - 106:9 offering [1] - 111:23 offhand [1] - 45:21 Office [1] - 1:10 office [15] - 25:15, 39:8, 67:20, 67:23, 67:24, 67:25, 68:1, 68:2, 68:7, 70:6, 70:18, 70:19, 70:24, 71:5, 83:7 officer [2] - 35:8, 63:5 officers [2] - 63:1, 63:4 Officers [1] - 16:21 official [1] - 40:24 Official [1] - 1:20 oiler [1] - 11:16 old [1] - 122:6 olecranon [2] - 46:20, 46:21 Olive [1] - 2:14 olive [1] - 5:14 onboard [2] - 112:3, 112:7 once [6] - 21:11, 30:6, 30:8, 35:2, 56:19 one [50] - 8:4, 8:12, 12:3, 18:20, 29:21, 29:23, 36:14, 36:15, 36:20, 52:22, 53:10, 53:12, 57:18, 58:4, 58:19, 62:23, 63:8, 69:12, 73:13, 74:5, 84:24, 85:4, 87:7, 89:2, 93:18, 95:24, 96:2, 96:5, 96:13, 96:16, 96:21, 96:23, 98:19, 100:25, 101:1, 103:7, 105:13, 106:3, 106:22, 111:11, 111:12, 115:23, 116:10, 124:10, 126:19, 137:19, 139:3 one's [1] - 93:8 one-and-a-half [2] - 53:10, 53:12 one-and-three [2] - 96:16, 106:3 one-and-three- quarter [2] - 95:24, 96:2 ones [7] - 90:24, 90:25, 91:12, 91:14, 98:3, 122:6 online [1] - 52:15 open [7] - 5:1, 13:13, 13:23, 134:6, 134:7, 134:22, 136:4 open-end [1] - 13:13 opening [6] - 6:13, 23:6, 94:21, 114:9, 114:10, 133:3 openings [1] - 114:11 operate [1] - 126:3 operating [2] - 35:3, 88:12 operations [1] - 15:17 operators [3] - 131:14, 131:15, 131:16 opinion [17] - 81:12, 104:1, 104:19, 104:21, 105:5, 112:1, 112:5, 112:6, 112:8, 112:12, 112:15, 112:16, 119:14, 127:15, 133:18, 133:22, 134:1 opinions [7] - 84:8, 99:19, 104:17, 110:23, 133:12, 133:17, 133:19 OPNAV [2] - 125:16, 126:6 opportunity [6] - 105:16, 105:20, 105:24, 106:5, 133:16, 136:25
N	name [11] - 6:22, 23:16, 38:16, 45:20, 45:21, 59:8, 80:5, 86:9, 92:10, 107:3, 110:5 narrative [1] - 125:15 nature [3] - 5:22, 84:23 naval [13] - 60:4, 80:20, 81:2, 81:18, 84:4, 89:12, 104:7, 107:14, 110:25, 111:4, 111:24, 114:8, 124:22 Naval [2] - 81:3, 121:9	O	oath [1] - 68:19 object [2] - 134:25, 138:5 objection [70] - 27:5, 27:7, 27:17, 27:21, 27:22, 27:25, 28:4, 28:5, 28:11, 28:12, 30:18, 30:19, 36:9, 36:10, 36:11, 40:5, 40:6, 40:11, 40:12, 41:9, 41:25, 42:1, 42:12, 43:1, 43:10, 43:11, 43:17, 43:18, 45:5, 45:6, 47:6, 47:8, 47:12, 47:13, 47:20, 47:21, 51:22, 52:1, 52:10, 53:20, 54:7, 54:23, 57:10, 57:14, 57:15, 59:2, 59:4, 72:10, 72:11, 73:15, 73:20, 87:10, 87:11, 88:19, 97:4, 99:22, 99:24, 102:10, 103:21, 104:4, 106:11, 106:12, 106:18, 106:25, 128:3, 139:3, 139:12, 139:13, 139:18, 139:19 observed [1] - 103:9 obtain [2] - 51:14, 84:11 obtained [4] - 52:15, 60:18, 61:9, 62:14 obtaining [1] - 60:20 occurred [5] - 22:24, 58:2, 79:24, 87:14, 138:23 Ocean [2] - 9:5, 10:10 oceangoing [1] - 92:13 October [3] - 1:11, 5:2, 7:8 OF [13] - 1:1, 1:6, 2:7, 3:4, 3:5, 3:6, 3:7, 3:8, 7:2, 59:7, 80:12, 107:2, 137:20 offensive [1] - 123:8 offer [1] - 106:9 offering [1] - 111:23 offhand [1] - 45:21 Office [1] - 1:10 office [15] - 25:15, 39:8, 67:20, 67:23, 67:24, 67:25, 68:1, 68:2, 68:7, 70:6, 70:18, 70:19, 70:24, 71:5, 83:7 officer [2] - 35:8, 63:5 officers [2] - 63:1, 63:4 Officers [1] - 16:21 official [1] - 40:24 Official [1] - 1:20 oiler [1] - 11:16 old [1] - 122:6 olecranon [2] - 46:20, 46:21 Olive [1] - 2:14 olive [1] - 5:14 onboard [2] - 112:3, 112:7 once [6] - 21:11, 30:6, 30:8, 35:2, 56:19 one [50] - 8:4, 8:12, 12:3, 18:20, 29:21, 29:23, 36:14, 36:15, 36:20, 52:22, 53:10, 53:12, 57:18, 58:4, 58:19, 62:23, 63:8, 69:12, 73:13, 74:5, 84:24, 85:4, 87:7, 89:2, 93:18, 95:24, 96:2, 96:5, 96:13, 96:16, 96:21, 96:23, 98:19, 100:25, 101:1, 103:7, 105:13, 106:3, 106:22, 111:11, 111:12, 115:23, 116:10, 124:10, 126:19, 137:19, 139:3 one's [1] - 93:8 one-and-a-half [2] - 53:10, 53:12 one-and-three [2] - 96:16, 106:3 one-and-three- quarter [2] - 95:24, 96:2 ones [7] - 90:24, 90:25, 91:12, 91:14, 98:3, 122:6 online [1] - 52:15 open [7] - 5:1, 13:13, 13:23, 134:6, 134:7, 134:22, 136:4 open-end [1] - 13:13 opening [6] - 6:13, 23:6, 94:21, 114:9, 114:10, 133:3 openings [1] - 114:11 operate [1] - 126:3 operating [2] - 35:3, 88:12 operations [1] - 15:17 operators [3] - 131:14, 131:15, 131:16 opinion [17] - 81:12, 104:1, 104:19, 104:21, 105:5, 112:1, 112:5, 112:6, 112:8, 112:12, 112:15, 112:16, 119:14, 127:15, 133:18, 133:22, 134:1 opinions [7] - 84:8, 99:19, 104:17, 110:23, 133:12, 133:17, 133:19 OPNAV [2] - 125:16, 126:6 opportunity [6] - 105:16, 105:20, 105:24, 106:5, 133:16, 136:25

<p>opposed [1] - 87:25</p> <p>optimistic [1] - 140:7</p> <p>option [1] - 112:9</p> <p>order [8] - 8:19, 16:9, 20:22, 37:8, 85:7, 86:12, 89:15, 98:16</p> <p>ordered [1] - 20:20</p> <p>ordinary [1] - 10:18</p> <p>organization [3] - 88:12, 92:7, 107:18</p> <p>organizations [5] - 82:23, 99:16, 102:1, 103:4, 105:18</p> <p>original [1] - 126:21</p> <p>originally [1] - 86:12</p> <p>orthopedic [1] - 48:20</p> <p>orthopedist [1] - 45:17</p> <p>otherwise [2] - 6:3, 86:23</p> <p>outcome [1] - 29:24</p> <p>outfit [1] - 19:21</p> <p>outside [8] - 39:7, 58:15, 58:16, 78:3, 91:4, 97:5, 108:15, 134:16</p> <p>over-the-counter [1] - 78:1</p> <p>overboard [1] - 123:3</p> <p>overhauling [2] - 82:7, 82:9</p> <p>overlap [4] - 135:14, 135:17, 135:24, 136:9</p> <p>oversees [1] - 64:9</p> <p>own [16] - 89:20, 89:22, 89:23, 90:13, 90:14, 93:23, 94:7, 98:5, 101:3, 101:14, 101:18, 101:25, 102:2, 121:16, 124:24</p> <p>owned [8] - 115:17, 115:19, 124:5, 125:1, 125:5, 125:10, 125:13, 126:10</p> <p>owner [1] - 88:12</p> <p>ownership [1] - 92:3</p> <p>owns [1] - 91:23</p>	<p>45:8</p> <p>P-15 [4] - 3:24, 42:5, 42:17, 42:20</p> <p>P-16 [2] - 3:25, 43:4</p> <p>P-17 [3] - 4:1, 43:12, 43:13</p> <p>P-18 [3] - 4:2, 43:19, 43:20</p> <p>P-19 [4] - 4:5, 47:15, 47:16, 47:17</p> <p>P-2 [7] - 3:18, 30:12, 30:17, 31:4, 31:12, 75:17, 75:18</p> <p>P-20 [9] - 3:17, 4:6, 28:2, 28:4, 28:6, 28:8, 47:18, 47:22, 47:23</p> <p>P-21 [2] - 4:4, 47:9</p> <p>P-22 [3] - 4:13, 72:12, 139:14</p> <p>P-23 [2] - 4:15, 139:21</p> <p>P-24 [2] - 4:15, 139:21</p> <p>P-25 [2] - 4:8, 57:17</p> <p>P-27 [5] - 3:16, 27:19, 27:21, 27:23, 27:24</p> <p>P-31 [5] - 4:11, 100:21, 106:10, 106:13, 106:14</p> <p>P-34 [7] - 3:15, 27:12, 27:13, 27:14, 27:15, 27:16, 27:18</p> <p>P-36 [6] - 4:7, 52:8, 52:9, 52:11, 52:12, 52:13</p> <p>P-4 [9] - 3:19, 33:14, 34:1, 34:2, 36:8, 36:11, 36:12, 36:13, 36:17</p> <p>P-7 [3] - 3:22, 41:10, 41:11</p> <p>P-8 [4] - 3:23, 41:15, 42:2, 42:3</p> <p>p.m [1] - 140:17</p> <p>P16 [1] - 43:2</p> <p>Pacific [1] - 10:10</p> <p>paddle [2] - 78:7, 78:15</p> <p>pads [2] - 19:1, 19:4</p> <p>PAGE [1] - 3:2</p> <p>page [15] - 22:17, 44:13, 48:1, 65:12, 65:13, 69:4, 69:9, 69:10, 70:9, 94:14, 100:21, 129:12, 130:8, 134:9, 134:11</p> <p>Page [1] - 3:13</p> <p>Pages [1] - 1:6</p> <p>paid [4] - 92:8, 109:25, 110:1, 110:6</p> <p>pain [17] - 32:16,</p>	<p>32:17, 49:21, 49:22, 56:3, 56:7, 76:4, 76:10, 76:20, 76:24, 77:12, 77:13, 77:14, 77:15</p> <p>paint [31] - 33:6, 88:9, 95:21, 95:22, 97:14, 97:18, 97:20, 98:2, 98:7, 98:15, 98:16, 98:20, 98:22, 99:5, 99:20, 102:6, 102:18, 105:15, 105:17, 106:6, 106:7, 111:14, 114:2, 114:7, 114:15, 115:2, 124:16, 134:17, 134:18, 137:23</p> <p>painted [24] - 19:10, 33:2, 36:22, 55:21, 58:19, 68:10, 68:14, 75:21, 76:1, 88:15, 90:16, 98:1, 100:18, 101:2, 105:21, 114:20, 116:11, 117:19, 121:3, 121:20, 129:2, 136:23, 137:24</p> <p>painting [15] - 63:22, 78:13, 87:25, 89:1, 95:4, 95:17, 101:20, 101:22, 102:12, 103:12, 103:16, 113:24, 117:7, 124:24, 127:6</p> <p>paintings [1] - 88:16</p> <p>papers [1] - 35:17</p> <p>paperwork [1] - 37:8</p> <p>paragraph [3] - 128:10, 129:15</p> <p>Paralegal [2] - 2:14, 2:15</p> <p>parallel [3] - 136:13, 137:7, 137:12</p> <p>parked [1] - 130:19</p> <p>part [30] - 21:19, 21:21, 29:16, 31:8, 31:11, 32:11, 33:15, 76:1, 83:7, 83:10, 89:8, 90:2, 90:22, 95:23, 96:2, 96:15, 98:24, 99:1, 114:1, 116:2, 116:5, 116:9, 117:22, 118:4, 118:5, 119:7, 119:10, 120:6, 130:21, 136:22</p> <p>particular [8] - 70:19, 99:24, 114:15, 115:2, 116:11,</p>	<p>117:20, 120:22, 121:4</p> <p>particularly [1] - 99:2</p> <p>pass [3] - 8:20, 55:15, 62:1</p> <p>passage [1] - 134:15</p> <p>passageway [2] - 100:25, 101:9</p> <p>passageways [2] - 91:1, 102:9</p> <p>passed [1] - 61:11</p> <p>passengers [1] - 118:13</p> <p>passing [2] - 119:6, 136:5</p> <p>pay [4] - 17:2, 17:3, 17:7, 17:12</p> <p>people [18] - 82:1, 82:10, 82:13, 82:23, 98:3, 98:4, 98:6, 99:7, 99:8, 101:8, 102:4, 103:8, 115:14, 119:16, 120:10, 122:9, 122:12, 131:23</p> <p>perceived [1] - 104:24</p> <p>perception [4] - 104:23, 110:18, 110:22, 137:13</p> <p>perfect [2] - 113:4, 113:19</p> <p>perhaps [5] - 54:5, 106:1, 126:8, 126:9, 136:12</p> <p>period [2] - 60:17, 67:11</p> <p>permanent [1] - 49:17</p> <p>permitted [1] - 138:7</p> <p>perpendicular [2] - 137:9, 137:14</p> <p>person [4] - 82:6, 109:9, 132:3, 132:4</p> <p>personal [7] - 6:10, 54:16, 57:13, 104:17, 108:20, 109:5, 137:10</p> <p>personnel [2] - 28:21, 131:25</p> <p>persons [1] - 131:21</p> <p>perspective [4] - 89:17, 136:11, 137:8, 137:12</p> <p>pertained [1] - 116:2</p> <p>pertaining [3] - 117:5, 120:2, 121:12</p> <p>pertains [1] - 118:12</p> <p>pertinent [1] - 114:19</p> <p>Peter [1] - 32:1</p> <p>pH [1] - 26:8</p> <p>photo [14] - 28:7,</p>	<p>28:9, 34:9, 58:5, 58:10, 58:12, 58:15, 59:10, 59:14, 71:5, 130:7, 130:15, 130:24, 134:18</p> <p>photograph [10] - 58:23, 87:22, 87:23, 95:7, 95:13, 95:23, 130:2, 134:11, 135:5, 136:12</p> <p>photographs [4] - 88:17, 111:9, 111:10, 130:23</p> <p>photos [3] - 28:14, 36:13, 36:17</p> <p>physical [8] - 8:20, 10:6, 50:4, 50:6, 50:13, 50:15, 51:14, 76:23</p> <p>Physical [1] - 52:17</p> <p>physiologic [1] - 108:25</p> <p>physiology [1] - 111:1</p> <p>pick [1] - 51:9</p> <p>picture [10] - 24:14, 27:2, 27:17, 30:25, 31:23, 68:13, 89:4, 104:25, 135:1</p> <p>pictures [1] - 34:2</p> <p>piece [6] - 29:15, 96:5, 96:11, 96:21, 96:23, 99:24</p> <p>pipe [2] - 11:12, 11:18</p> <p>pipes [2] - 13:17, 13:18</p> <p>pitching [1] - 16:10</p> <p>place [1] - 136:20</p> <p>placed [1] - 58:9</p> <p>plaintiff [5] - 5:7, 5:23, 6:18, 28:7, 80:1</p> <p>Plaintiff [3] - 1:4, 2:6, 2:14</p> <p>Plaintiff's [52] - 3:14, 3:15, 3:16, 3:17, 3:18, 3:19, 3:20, 3:21, 3:22, 3:23, 3:24, 3:25, 4:1, 4:2, 4:3, 4:4, 4:5, 4:6, 4:7, 4:8, 4:9, 4:11, 4:13, 4:15, 9:14, 27:18, 27:24, 28:8, 31:4, 36:12, 40:8, 40:14, 41:11, 42:3, 42:20, 43:4, 43:13, 43:20, 45:8, 47:9, 47:17, 47:23, 52:12, 57:17, 59:5, 72:4, 106:14, 130:8, 134:10, 139:11, 139:14, 139:21</p>
P				
<p>P-1 [5] - 4:9, 27:10, 58:10, 58:25, 59:5</p> <p>P-12 [5] - 3:20, 38:14, 39:4, 40:7, 40:8</p> <p>P-13 [4] - 3:21, 37:10, 40:13, 40:14</p> <p>P-14 [3] - 4:3, 45:7,</p>				

<p>plaintiff's [5] - 52:10, 57:7, 79:13, 140:1, 140:2</p> <p>plaintiffs [1] - 71:2</p> <p>plans [3] - 85:14, 85:21, 85:23</p> <p>plant [5] - 11:24, 21:3, 29:20, 35:4</p> <p>plants [1] - 84:23</p> <p>plate [3] - 32:3, 32:5, 32:6</p> <p>play [3] - 78:7, 79:16, 138:16</p> <p>played [2] - 78:14, 139:7</p> <p>plus [4] - 66:23, 95:25, 119:24</p> <p>pocket [1] - 17:9</p> <p>point [16] - 13:12, 20:20, 24:8, 25:9, 29:6, 56:12, 76:15, 83:16, 84:25, 85:6, 87:17, 103:3, 105:13, 116:1, 117:8, 124:1</p> <p>Point [2] - 18:13, 84:15</p> <p>pointed [2] - 39:2, 103:7</p> <p>pointing [1] - 102:25</p> <p>policy [1] - 130:13</p> <p>portion [5] - 31:12, 42:19, 52:13, 55:24, 96:19</p> <p>position [7] - 6:10, 6:11, 32:9, 55:19, 127:9, 127:12</p> <p>positions [2] - 11:17, 53:13</p> <p>possible [1] - 29:24</p> <p>Post [1] - 1:10</p> <p>potential [1] - 119:2</p> <p>pounds [3] - 14:10, 51:1, 52:24</p> <p>power [2] - 11:24, 84:23</p> <p>powered [5] - 12:14, 12:17, 12:18, 23:19, 109:13</p> <p>practice [11] - 97:2, 99:11, 101:8, 102:6, 102:11, 103:2, 103:11, 103:16, 121:14, 123:24, 123:25</p> <p>pre [1] - 10:6</p> <p>pre-employment [1] - 10:6</p> <p>preceded [1] - 132:17</p> <p>prefer [1] - 138:18</p>	<p>preference [1] - 138:17</p> <p>premarked [3] - 27:12, 64:19, 64:21</p> <p>preparation [5] - 5:19, 81:15, 82:18, 83:22, 111:25</p> <p>prepare [2] - 60:24, 82:1</p> <p>prepared [3] - 6:6, 93:12, 123:20</p> <p>preparing [4] - 62:7, 81:24, 82:10, 84:4</p> <p>preprinted [1] - 38:21</p> <p>present [4] - 37:13, 118:19, 120:6, 127:18</p> <p>preserve [1] - 99:22</p> <p>pressure [4] - 17:22, 21:4, 25:23, 73:8</p> <p>pretrial [1] - 5:20</p> <p>previously [1] - 95:21</p> <p>primarily [1] - 33:10</p> <p>probability [1] - 104:2</p> <p>procedure [1] - 21:5</p> <p>procedures [1] - 121:12</p> <p>proceed [4] - 6:25, 57:20, 80:10, 138:13</p> <p>Proceedings [4] - 1:22, 119:17, 119:22, 120:4</p> <p>PROCEEDINGS [1] - 5:1</p> <p>process [2] - 39:16, 119:5</p> <p>processed [1] - 104:25</p> <p>produced [2] - 1:23, 20:5</p> <p>professional [8] - 108:16, 108:19, 109:6, 109:10, 120:17, 121:2, 121:7, 121:19</p> <p>proffer [2] - 52:11, 81:11</p> <p>proffered [1] - 84:3</p> <p>program [1] - 61:6</p> <p>progresses [1] - 6:12</p> <p>project [3] - 80:21, 81:15</p> <p>propellers [1] - 12:10</p> <p>proper [1] - 112:18</p> <p>properly [2] - 40:17</p> <p>propulsion [3] - 12:1, 13:1, 23:8</p> <p>protected [1] - 105:16</p> <p>protocol [1] - 90:22</p> <p>provide [5] - 74:21,</p>	<p>132:7, 132:8, 132:9, 136:4</p> <p>provided [4] - 16:22, 95:7, 95:14, 103:25</p> <p>provides [1] - 101:9</p> <p>providing [1] - 125:6</p> <p>proximally [1] - 46:25</p> <p>psychological [1] - 108:13</p> <p>public [1] - 119:21</p> <p>publications [1] - 108:3</p> <p>publish [2] - 117:1, 119:17</p> <p>published [4] - 99:16, 116:25, 119:17, 120:18</p> <p>pull [8] - 24:14, 38:13, 51:9, 51:17, 53:1, 53:9, 91:20, 94:14</p> <p>pulling [2] - 41:15, 92:4</p> <p>pump [1] - 14:6</p> <p>purpose [7] - 21:15, 30:20, 60:20, 73:10, 87:19, 118:20, 119:23</p> <p>purposes [4] - 5:25, 67:21, 88:11, 108:1</p> <p>pursuant [1] - 42:8</p> <p>push [1] - 53:1</p> <p>pushed [1] - 22:7</p> <p>put [19] - 9:7, 16:8, 18:10, 20:2, 24:18, 38:14, 46:6, 49:13, 51:10, 51:20, 54:16, 77:10, 80:25, 100:5, 101:16, 110:4, 112:11, 122:22, 123:18</p> <p>puts [1] - 103:7</p> <p>putting [5] - 21:9, 23:7, 40:23, 42:5, 78:13</p> <p>puzzles [1] - 132:6</p>	<p>106:3, 123:1, 123:2</p> <p>QUESTION [2] - 69:10, 69:15</p> <p>questionnaire [2] - 53:22, 53:24</p> <p>questions [6] - 68:19, 75:10, 75:13, 84:2, 132:21, 137:17</p> <p>quick [2] - 105:25, 129:13</p> <p>quickly [3] - 42:22, 106:1, 106:2</p> <p>quite [1] - 119:18</p> <p>quotation [1] - 129:16</p> <p>quote [9] - 27:2, 27:17, 41:17, 41:23, 42:15, 42:16, 87:18, 128:9, 128:13</p> <p>quote-unquote [1] - 87:18</p> <p>quoted [4] - 128:11, 129:13, 130:9, 132:13</p>	<p>real [1] - 9:9</p> <p>really [4] - 24:23, 25:7, 43:24, 120:2</p> <p>reapplied [1] - 73:23</p> <p>reason [4] - 124:25, 126:15, 130:3, 136:1</p> <p>reasonable [2] - 101:20, 104:2</p> <p>reasonably [6] - 89:16, 89:22, 90:8, 93:22, 94:6</p> <p>reasons [2] - 73:5, 86:20</p> <p>receive [1] - 74:18</p> <p>recess [3] - 58:2, 79:24, 138:23</p> <p>recognize [2] - 82:24, 120:17</p> <p>recognized [2] - 121:1, 121:6</p> <p>recollection [2] - 22:18, 50:8</p> <p>recommended [1] - 48:19</p> <p>reconstruction [1] - 104:5</p> <p>record [21] - 5:5, 9:12, 19:7, 26:25, 34:1, 36:13, 39:1, 41:17, 42:4, 42:9, 42:13, 42:17, 42:18, 42:23, 43:7, 43:16, 52:9, 53:25, 55:2, 81:7, 99:18</p> <p>recorded [1] - 1:22</p> <p>records [4] - 47:11, 47:16, 47:19, 47:22</p> <p>recross [1] - 138:9</p> <p>red [14] - 31:9, 37:1, 55:23, 58:20, 58:21, 59:13, 59:14, 75:15, 76:2, 87:23, 96:22, 101:5, 101:22</p> <p>redacted [1] - 139:1</p> <p>redirect [2] - 75:11, 137:18</p> <p>REDIRECT [2] - 3:8, 137:20</p> <p>refer [3] - 31:22, 100:10, 107:10</p> <p>reference [7] - 80:25, 87:12, 117:9, 127:7, 128:16, 133:22, 136:5</p> <p>referred [2] - 31:15, 106:16</p> <p>referring [2] - 21:22, 94:14</p> <p>refitted [2] - 19:20, 85:7</p>
R				
<p>radar [4] - 82:6, 82:7, 107:22</p> <p>radiator [1] - 71:11</p> <p>radius [1] - 94:23</p> <p>rain [2] - 91:4, 91:11</p> <p>raised [2] - 81:21, 104:14</p> <p>ran [1] - 73:21</p> <p>range [4] - 54:15, 56:8, 73:7, 78:8</p> <p>rank [1] - 8:2</p> <p>rated [1] - 11:10</p> <p>rather [2] - 106:7, 125:1</p> <p>rating [3] - 10:22, 11:9, 11:12</p> <p>ratings [1] - 10:22</p> <p>Rawlins [5] - 35:12, 35:13, 35:15, 38:23, 39:20</p> <p>RAWLINS [1] - 35:14</p> <p>re [1] - 28:19</p> <p>re-set [1] - 28:19</p> <p>reaching [1] - 119:14</p> <p>reacted [1] - 46:15</p> <p>read [17] - 39:1, 39:5, 41:2, 41:3, 41:17, 46:13, 46:22, 52:15, 89:20, 93:5, 93:15, 111:2, 117:4, 120:4, 120:10, 126:2, 140:3</p> <p>reading [1] - 42:18</p> <p>ready [3] - 57:20, 79:7, 80:25</p>				
Q				
<p>qualification [1] - 102:11</p> <p>qualifications [3] - 81:10, 83:15, 84:1</p> <p>qualified [6] - 84:7, 99:19, 103:11, 104:5, 104:18, 123:20</p> <p>quarter [5] - 94:24, 95:24, 96:2, 96:3, 106:4</p> <p>quarters [4] - 96:16,</p>				

refitting [2] - 19:21 reflect [1] - 42:18 refractory [1] - 21:17 refresh [1] - 22:18 refuel [2] - 9:1, 60:4 refuels [1] - 8:16 regard [3] - 89:25, 107:22 regarding [3] - 81:18, 82:10, 97:17 regularly [4] - 117:2, 119:18, 119:21 regulate [4] - 91:13, 118:18, 120:5, 120:14 regulated [1] - 118:5 regulates [1] - 91:13 regulation [7] - 90:15, 90:25, 112:10, 117:14, 117:16, 129:25, 137:23 regulations [27] - 29:17, 90:9, 90:11, 97:8, 115:1, 115:6, 116:1, 116:10, 116:12, 116:14, 117:13, 117:19, 117:21, 117:22, 118:8, 118:21, 119:1, 119:6, 119:12, 119:19, 119:20, 119:23, 120:2, 120:16, 121:1, 137:21 Regulations [2] - 90:10, 116:2 regulatory [4] - 86:22, 91:6, 114:14, 124:1 related [2] - 44:20, 105:12 relates [1] - 105:7 relevancy [2] - 88:19, 88:21 relied [1] - 134:1 relief [1] - 62:23 rely [1] - 83:4 remedial [6] - 54:20, 87:14, 87:16, 87:20, 88:1, 138:6 remember [22] - 32:22, 33:12, 33:13, 40:19, 45:20, 56:14, 57:8, 68:12, 68:18, 68:20, 69:18, 72:17, 86:21, 93:7, 109:19, 116:24, 117:4, 124:20, 126:23, 127:1, 135:12 render [3] - 84:7, 99:19, 104:19	rendered [1] - 105:3 renewal [1] - 52:14 repainted [7] - 36:24, 55:10, 55:11, 95:2, 131:7, 131:9 repainting [3] - 87:7, 87:8, 87:13 repaints [1] - 87:8 repair [7] - 47:3, 81:16, 81:19, 81:25, 82:5, 82:11, 83:20 repaired [1] - 93:25 repeat [1] - 14:2 rephrase [2] - 70:3, 73:17 report [34] - 33:15, 35:16, 38:13, 46:7, 46:10, 47:7, 65:3, 81:8, 83:11, 83:16, 87:2, 94:15, 94:16, 95:9, 100:4, 100:17, 100:20, 100:21, 104:11, 104:15, 106:9, 106:11, 117:10, 125:16, 125:18, 125:20, 128:8, 128:11, 129:12, 132:16, 134:9, 135:13, 138:3 Report [2] - 37:10, 42:6 report's [1] - 106:13 Reporter [1] - 1:20 reports [1] - 105:3 represent [2] - 89:24, 131:12 representation [2] - 24:19, 30:13 represented [2] - 6:7, 33:18 representing [3] - 59:9, 100:7, 107:4 represents [1] - 52:11 request [4] - 42:8, 74:3, 74:7, 84:11 require [10] - 10:6, 61:1, 61:3, 117:6, 117:23, 118:11, 119:12, 121:3, 129:1, 129:25 required [18] - 9:21, 15:12, 15:20, 21:9, 61:5, 63:25, 68:6, 85:8, 110:13, 112:10, 114:15, 115:2, 116:10, 117:19, 118:9, 127:10, 127:12, 127:22 requirement [12] -	53:5, 53:9, 53:16, 53:21, 53:24, 116:6, 121:19, 123:11, 123:12, 123:24, 126:14, 127:5 requirements [7] - 8:21, 51:15, 51:19, 52:22, 86:22, 91:6, 118:3 requires [1] - 110:14 research [3] - 84:18, 101:7, 101:17 researched [1] - 84:19 reserve [2] - 85:1, 99:23 residual [1] - 95:20 resolved [2] - 18:3, 18:5 respect [5] - 18:24, 87:8, 123:23, 125:14, 127:6 respond [5] - 87:21, 104:9, 108:21, 109:7, 109:11 responded [2] - 109:16, 133:23 responding [1] - 39:6 response [2] - 108:25, 119:2 responsibility [1] - 13:3 responsive [1] - 125:14 rest [8] - 5:25, 6:6, 31:9, 46:22, 56:22, 86:24, 95:24, 128:2 restrict [1] - 104:13 result [2] - 35:19, 47:1 results [1] - 99:9 retained [2] - 114:13, 114:18 retention [1] - 83:10 retired [2] - 131:1, 131:2 retirement [3] - 17:1, 57:1, 131:7 retracted [2] - 46:16, 46:17 return [1] - 48:9 returned [1] - 74:10 returning [1] - 43:23 returns [3] - 57:3, 57:7, 82:7 review [9] - 45:24, 89:8, 89:14, 90:2, 92:8, 103:15, 103:24, 120:15, 121:9 reviewed [17] - 5:19, 81:7, 81:8, 83:10,	83:14, 87:2, 89:8, 90:2, 90:24, 92:15, 93:6, 93:7, 93:20, 93:21, 105:8, 115:12 right-hand [1] - 7:9 rise [1] - 140:16 RMR [1] - 1:20 role [1] - 107:14 roll [1] - 23:8 rolling [1] - 16:10 room [86] - 10:17, 10:23, 11:21, 12:3, 12:4, 12:25, 14:1, 14:5, 22:25, 23:1, 24:9, 24:14, 24:17, 24:19, 24:22, 24:24, 25:1, 25:5, 25:6, 25:9, 25:12, 25:13, 25:18, 25:19, 25:21, 26:11, 26:14, 26:17, 26:18, 26:19, 26:21, 27:3, 27:17, 28:19, 28:20, 28:21, 29:1, 29:2, 30:14, 30:21, 30:23, 30:24, 31:8, 32:10, 33:9, 33:11, 35:2, 38:3, 39:7, 41:5, 55:14, 55:15, 55:19, 55:25, 58:14, 58:15, 58:19, 63:13, 63:18, 63:20, 63:24, 67:5, 67:17, 67:20, 67:21, 70:21, 71:5, 71:9, 71:10, 72:1, 72:7, 72:15, 72:20, 72:24, 96:9, 96:11, 108:22, 111:8, 133:9, 133:13, 134:4, 134:15, 136:12, 140:12 rooms [1] - 25:2 rough [1] - 16:7 routine [1] - 88:13 routinely [2] - 101:12, 129:7 row [2] - 78:11, 78:19 Rule [1] - 104:23 rule [2] - 118:17, 119:5 rule-makers [1] - 118:17 rule-making [1] - 119:5 ruler [1] - 34:7 rules [13] - 29:16, 89:20, 89:21, 89:23, 90:1, 93:23, 94:5, 94:7, 115:1, 120:21, 120:23, 120:25 run [1] - 73:19	running [4] - 23:10, 29:20, 29:22, 109:15 runs [1] - 63:13 rushing [1] - 41:22 Ryan [1] - 35:11
S				
safe [16] - 97:2, 98:15, 98:19, 99:14, 100:3, 100:5, 100:7, 100:8, 100:9, 100:18, 101:7, 101:9, 101:23, 105:18, 106:5, 125:8 safely [3] - 105:20, 105:21 safer [2] - 132:7, 132:8 safety [13] - 33:6, 39:3, 42:15, 92:11, 92:15, 105:6, 119:3, 120:1, 120:3, 120:12, 125:12, 132:5 sail [1] - 110:9 sailed [10] - 10:8, 10:24, 11:17, 14:15, 16:4, 16:11, 108:16, 108:18, 109:6, 109:9 sailing [2] - 10:12, 32:25 sailors [1] - 122:13 salvage [1] - 115:10 sample [4] - 26:4, 26:6, 35:17, 35:19 sanding [1] - 78:13 satisfied [2] - 52:23, 99:18 satisfies [1] - 89:22 satisfy [1] - 86:22 saw [1] - 34:5 scene [1] - 28:19 Scene [1] - 42:14 scheduled [1] - 76:16 scheme [15] - 98:15, 98:20, 98:23, 98:24, 99:1, 99:5, 100:3, 105:15, 105:17, 106:6, 106:7, 114:2, 114:16, 115:2, 124:16 schemes [6] - 97:15, 97:18, 97:21, 99:20, 102:18, 114:7 school [5] - 7:18, 7:19, 7:20, 7:22, 81:1 science [4] - 107:19, 108:6, 110:25, 111:4 sciences [1] - 98:18				

<p>scientific [5] - 103:20, 108:12, 108:20, 108:25, 109:2</p> <p>sclafani [1] - 139:7</p> <p>Sclafani [6] - 48:15, 48:17, 48:18, 48:22, 48:24, 50:20</p> <p>SCLAFANI [1] - 48:16</p> <p>screen [20] - 9:7, 18:10, 19:4, 20:2, 24:18, 38:14, 40:23, 42:6, 44:14, 46:6, 48:2, 51:17, 55:5, 58:9, 80:25, 87:6, 90:3, 94:17, 95:10, 110:13</p> <p>scroll [2] - 20:10, 65:12</p> <p>sea [14] - 8:10, 8:14, 8:16, 9:1, 12:23, 60:5, 61:23, 65:3, 65:13, 65:17, 65:21, 66:2, 66:5</p> <p>seal [1] - 57:13</p> <p>SeaLand [2] - 84:21, 84:22</p> <p>Sealift [7] - 8:24, 59:24, 60:1, 60:7, 65:7, 65:25, 126:7</p> <p>seaman [5] - 10:19, 59:18, 60:11, 61:13</p> <p>search [1] - 114:14</p> <p>seas [3] - 16:7, 91:8, 91:10</p> <p>seasoned [1] - 109:17</p> <p>seated [3] - 5:15, 6:24, 80:8</p> <p>seaworthy [1] - 89:25</p> <p>second [13] - 11:10, 11:13, 20:17, 23:11, 25:22, 25:25, 41:18, 42:24, 44:13, 61:16, 64:15, 106:6, 106:22</p> <p>Section [1] - 52:16</p> <p>section [3] - 13:1, 35:3, 42:13</p> <p>secured [1] - 40:18</p> <p>Security [1] - 130:22</p> <p>see [48] - 9:16, 18:11, 19:1, 19:3, 20:3, 20:14, 25:5, 25:7, 33:15, 33:19, 41:6, 51:23, 54:22, 55:5, 57:13, 58:10, 65:19, 93:17, 94:14, 95:19, 100:24, 101:3, 106:5, 107:16, 111:9, 111:17, 111:21, 111:22, 113:6, 115:12,</p>	<p>116:8, 119:25, 120:17, 121:2, 125:8, 128:10, 128:13, 129:9, 129:15, 129:19, 130:2, 131:4, 134:11, 134:22, 135:3, 136:1, 139:5</p> <p>seeing [1] - 31:23</p> <p>seem [1] - 20:7</p> <p>segment [1] - 89:18</p> <p>send [2] - 45:17, 74:2</p> <p>senior [3] - 63:1, 63:4, 63:5</p> <p>sense [1] - 133:14</p> <p>sensitive [1] - 93:4</p> <p>sent [3] - 22:19, 24:5, 41:5</p> <p>separate [2] - 85:10, 108:23</p> <p>September [2] - 50:7, 94:16</p> <p>Serious [1] - 42:7</p> <p>serve [1] - 89:18</p> <p>served [2] - 20:11, 130:5</p> <p>service [5] - 65:3, 65:13, 125:4, 125:7, 131:7</p> <p>Service [1] - 84:21</p> <p>services [1] - 109:25</p> <p>serving [1] - 11:9</p> <p>set [4] - 5:21, 28:19, 35:17, 89:12</p> <p>setting [1] - 102:1</p> <p>seven [4] - 12:6, 77:2, 77:3, 94:22</p> <p>seven-inch [1] - 94:22</p> <p>several [1] - 86:14</p> <p>shall [1] - 82:8</p> <p>shame [2] - 79:20, 88:17</p> <p>shape [3] - 85:23, 86:6, 93:25</p> <p>sharp [3] - 77:13, 77:14, 77:15</p> <p>sheets [2] - 27:20, 28:1</p> <p>shelves [1] - 71:13</p> <p>shift [1] - 49:5</p> <p>ship [100] - 9:2, 9:4, 10:20, 13:12, 15:5, 15:7, 15:9, 15:10, 15:19, 16:2, 17:6, 17:7, 18:19, 19:14, 21:7, 21:8, 23:6, 29:19, 29:23, 30:6, 36:2, 37:13, 38:10, 44:21, 48:5, 48:12, 62:10, 63:1, 63:4,</p>	<p>63:6, 67:14, 74:21, 78:4, 81:15, 81:19, 81:25, 82:11, 82:21, 83:19, 84:5, 85:1, 85:12, 85:13, 85:22, 86:3, 87:13, 87:25, 88:8, 88:10, 88:12, 88:14, 89:19, 89:22, 89:24, 90:8, 90:23, 91:14, 91:23, 92:3, 92:8, 92:21, 93:21, 97:15, 97:16, 97:25, 99:20, 101:16, 107:9, 107:16, 108:1, 109:13, 109:23, 110:2, 110:8, 110:9, 114:4, 116:12, 118:24, 121:12, 122:8, 123:1, 123:6, 124:22, 125:7, 125:12, 130:15, 130:18, 130:25, 131:3, 131:19, 131:21, 131:24, 132:1, 132:4, 132:10</p> <p>ship's [4] - 11:21, 40:24, 88:13, 131:13</p> <p>shipboard [1] - 53:7</p> <p>Shipping [3] - 92:7, 92:15, 114:23</p> <p>ships [74] - 8:16, 8:23, 10:4, 10:17, 15:21, 18:23, 19:5, 19:11, 19:12, 19:13, 19:17, 37:12, 60:6, 60:8, 60:9, 60:14, 62:23, 63:8, 64:23, 64:25, 65:4, 65:8, 66:9, 66:13, 66:17, 66:19, 73:2, 84:22, 85:9, 85:12, 85:13, 85:18, 85:20, 86:4, 86:14, 86:25, 87:18, 89:15, 89:16, 90:7, 90:14, 92:13, 92:14, 97:6, 97:7, 99:2, 101:3, 101:14, 101:18, 101:25, 102:24, 103:9, 103:15, 103:19, 105:6, 105:7, 110:13, 113:2, 117:23, 118:5, 120:12, 121:16, 122:13, 124:21, 124:22, 124:23, 126:4, 127:8, 130:20, 130:21</p> <p>shipyard [9] - 85:20,</p>	<p>86:3, 86:10, 86:15, 86:18, 86:19, 86:20, 97:24</p> <p>shipyard's [1] - 86:23</p> <p>shipyards [3] - 19:22, 85:10, 113:3</p> <p>shoes [2] - 63:25, 64:4</p> <p>shoot [1] - 78:8</p> <p>shop [4] - 14:7, 14:8, 14:11, 14:13</p> <p>short [3] - 58:2, 79:24, 138:23</p> <p>show [10] - 22:16, 25:25, 33:14, 46:1, 58:12, 58:23, 64:19, 65:8, 99:8, 100:20</p> <p>showed [3] - 46:2, 65:6, 98:14</p> <p>showing [4] - 30:12, 37:9, 64:21, 88:1</p> <p>shown [5] - 65:1, 88:16, 89:1, 100:3, 100:23</p> <p>shows [5] - 58:13, 85:23, 85:24, 87:6, 111:12</p> <p>shut [1] - 21:13</p> <p>shuts [2] - 30:3, 30:4</p> <p>shutting [1] - 35:4</p> <p>side [6] - 18:8, 28:10, 34:6, 96:7</p> <p>sides [1] - 117:24</p> <p>signature [1] - 38:16</p> <p>signed [3] - 18:17, 37:18, 66:25</p> <p>significance [2] - 29:11, 29:18</p> <p>significant [2] - 62:7, 118:19</p> <p>significantly [1] - 131:25</p> <p>sill [70] - 30:13, 31:13, 31:21, 32:12, 33:12, 33:19, 33:21, 55:9, 55:13, 55:15, 55:18, 88:16, 90:12, 90:19, 90:21, 90:24, 92:19, 93:1, 93:10, 94:1, 94:3, 94:12, 94:20, 94:22, 95:1, 95:7, 95:17, 97:3, 100:4, 100:6, 100:14, 100:15, 100:17, 101:21, 105:21, 106:3, 106:6, 112:9, 112:11, 112:14, 112:21, 112:22, 113:8, 113:13, 113:16, 113:24, 114:3, 114:20,</p>	<p>115:3, 116:6, 116:11, 117:19, 118:14, 120:18, 121:3, 121:20, 123:13, 123:23, 127:6, 128:13, 128:17, 129:19, 131:6, 135:14, 135:18, 136:10, 136:23, 136:24, 137:23</p> <p>sills [33] - 33:1, 87:6, 88:25, 90:16, 90:23, 90:24, 91:7, 91:12, 94:8, 97:7, 97:21, 98:9, 99:2, 99:5, 100:25, 102:7, 102:12, 102:19, 103:12, 103:13, 103:16, 105:14, 105:17, 113:5, 113:7, 117:7, 121:13, 121:22, 124:24, 129:1, 129:10, 137:21</p> <p>similar [4] - 33:2, 33:9, 33:11, 79:22</p> <p>similarly [1] - 129:12</p> <p>simple [1] - 88:13</p> <p>simply [3] - 53:22, 53:24, 123:6</p> <p>single [1] - 93:15</p> <p>sister [10] - 18:23, 19:12, 85:11, 85:12, 85:13, 85:18, 85:22, 86:14, 87:18, 87:25</p> <p>sit [2] - 11:2, 70:12</p> <p>sitting [5] - 21:24, 22:1, 22:5, 77:6, 109:19</p> <p>situation [1] - 88:22</p> <p>six [3] - 12:11, 94:24, 106:4</p> <p>six-and-a-quarter [2] - 94:24, 106:4</p> <p>skill [1] - 106:7</p> <p>skilled [1] - 127:16</p> <p>skills [1] - 117:7</p> <p>SL-7's [3] - 84:22, 86:11, 124:4</p> <p>slash [1] - 37:19</p> <p>sleep [1] - 16:9</p> <p>sleeve [1] - 11:6</p> <p>slide [1] - 135:7</p> <p>slightly [2] - 46:17, 91:12</p> <p>sling [1] - 50:1</p> <p>slings [2] - 14:7, 49:24</p> <p>slugs [1] - 115:10</p> <p>small [1] - 85:15</p>
--	---	---	--	---

<p>societies [2] - 120:17, 121:2</p> <p>Society [4] - 89:11, 89:12, 114:24, 121:9</p> <p>society [2] - 121:7, 121:19</p> <p>solely [1] - 115:14</p> <p>someone [6] - 14:22, 74:23, 98:2, 104:5, 112:10, 136:5</p> <p>somewhere [5] - 19:16, 29:1, 45:14, 72:16, 92:10</p> <p>sorry [8] - 8:11, 34:6, 36:15, 72:12, 88:20, 93:12, 93:15, 132:19</p> <p>Soule [1] - 1:20</p> <p>sounded [2] - 71:19, 114:6</p> <p>sounds [2] - 89:21, 140:13</p> <p>sources [1] - 119:25</p> <p>space [4] - 109:13, 110:11, 114:5</p> <p>speaking [2] - 52:5, 105:13</p> <p>speaks [2] - 52:2, 93:3</p> <p>specialists [1] - 82:8</p> <p>specific [2] - 111:7, 117:24</p> <p>specifically [4] - 54:12, 89:23, 120:8, 120:13</p> <p>specification [7] - 82:7, 82:20, 99:4, 99:6, 102:24, 102:25, 111:25</p> <p>specifications [19] - 81:24, 82:1, 82:11, 82:15, 82:17, 82:19, 83:4, 83:22, 84:4, 85:14, 85:16, 85:17, 97:24, 98:4, 98:16, 98:19, 103:15, 107:11, 107:15</p> <p>specificity [1] - 121:21</p> <p>specified [1] - 114:10</p> <p>specs [2] - 98:22</p> <p>speed [2] - 13:2, 133:23</p> <p>spelling [1] - 35:14</p> <p>spend [2] - 62:7, 121:24</p> <p>spent [1] - 133:13</p> <p>spoken [1] - 64:8</p> <p>spray [1] - 91:11</p> <p>sprint [1] - 73:13</p> <p>sprinted [1] - 73:17</p> <p>spurts [1] - 77:16</p> <p>Square [1] - 1:10</p>	<p>SS [1] - 41:19</p> <p>stack [1] - 12:7</p> <p>stairways [1] - 53:17</p> <p>stand [5] - 12:23, 21:22, 26:15, 68:9</p> <p>standard [17] - 82:3, 82:8, 90:15, 91:17, 98:6, 98:8, 101:2, 101:23, 102:3, 102:4, 114:11, 114:14, 114:19, 115:2, 127:9, 127:22</p> <p>standards [43] - 51:13, 82:12, 82:14, 90:13, 91:6, 91:11, 98:8, 99:11, 99:12, 99:16, 99:17, 100:6, 100:10, 101:10, 101:11, 101:12, 101:17, 101:18, 102:2, 102:3, 103:1, 103:4, 105:22, 107:21, 114:22, 115:12, 117:4, 120:15, 120:18, 120:21, 120:23, 121:2, 121:6, 121:11, 121:12, 121:23, 123:13, 123:17, 124:15, 124:16, 124:24</p> <p>standing [5] - 30:24, 71:8, 71:12, 136:12, 136:15</p> <p>staples [1] - 49:15</p> <p>start [2] - 11:13, 50:4</p> <p>started [2] - 5:16, 11:14</p> <p>starts [1] - 85:22</p> <p>state [4] - 6:22, 80:5, 108:13, 131:15</p> <p>statement [5] - 42:22, 43:2, 43:5, 128:1, 131:15</p> <p>statements [1] - 6:13</p> <p>states [1] - 52:22</p> <p>STATES [4] - 1:1, 1:6, 1:14, 2:7</p> <p>States [20] - 1:10, 5:2, 5:9, 5:12, 5:13, 5:14, 8:13, 9:21, 43:14, 51:25, 53:20, 53:25, 56:13, 59:9, 107:4, 115:19, 121:11, 124:22, 139:4, 139:9</p> <p>stating [2] - 112:12, 137:23</p> <p>station [3] - 15:20, 15:21, 16:1</p> <p>staunch [1] - 89:24</p>	<p>stay [1] - 67:13</p> <p>stays [3] - 77:17, 77:18, 77:19</p> <p>steam [11] - 12:14, 12:17, 12:18, 13:21, 21:4, 23:7, 23:19, 23:23, 26:6, 29:20, 109:13</p> <p>steam-powered [4] - 12:17, 12:18, 23:19, 109:13</p> <p>steamship [1] - 21:1</p> <p>steamships [1] - 66:11</p> <p>steel [4] - 63:25, 64:4, 64:6, 85:24</p> <p>steel-toed [3] - 63:25, 64:4, 64:6</p> <p>Stein [1] - 140:2</p> <p>stenography [1] - 1:22</p> <p>step [5] - 8:4, 79:2, 93:18, 133:3, 138:11</p> <p>stepped [7] - 66:22, 132:24, 133:1, 133:5, 133:9, 134:4</p> <p>steps [2] - 108:9, 110:21</p> <p>steward [2] - 10:16, 11:14</p> <p>stewards [2] - 10:17</p> <p>stiffening [1] - 50:18</p> <p>still [8] - 31:15, 49:22, 56:3, 56:7, 56:23, 83:15, 86:24, 125:6</p> <p>stipulate [1] - 81:9</p> <p>stipulated [2] - 42:7, 43:7</p> <p>stitches [3] - 49:15, 49:17</p> <p>stood [1] - 110:11</p> <p>stop [4] - 7:22, 7:24, 25:12, 29:8</p> <p>stories [1] - 12:6</p> <p>Street [1] - 2:9</p> <p>strength [3] - 54:15, 56:10, 97:16</p> <p>strictly [1] - 126:13</p> <p>strike [3] - 31:6, 54:14, 54:25</p> <p>strip [1] - 137:3</p> <p>stripe [2] - 111:12, 137:4</p> <p>stripes [6] - 33:8, 98:10, 100:11, 100:12, 101:21, 102:8</p> <p>strong [1] - 89:24</p> <p>structural [2] - 89:14, 97:16</p> <p>structurally [1] - 88:25</p>	<p>studied [4] - 81:1, 81:2, 110:25, 111:4</p> <p>study [4] - 61:1, 61:3, 61:5, 62:5</p> <p>studying [1] - 62:8</p> <p>stuff [4] - 15:17, 38:21, 78:1, 78:11</p> <p>stumbling [2] - 128:19, 129:21</p> <p>subdivision [2] - 85:24, 119:3</p> <p>subdivisions [1] - 86:7</p> <p>subject [1] - 124:24</p> <p>submissions [1] - 6:9</p> <p>submitted [1] - 81:8</p> <p>subsequent [2] - 54:20, 138:6</p> <p>substitution [1] - 120:24</p> <p>sudden [1] - 30:9</p> <p>suddenly [1] - 125:8</p> <p>sued [2] - 16:13, 16:15</p> <p>suffered [1] - 41:19</p> <p>suit [3] - 11:2, 54:16</p> <p>Suite [1] - 2:4</p> <p>supervise [2] - 63:16, 64:17</p> <p>supplement [1] - 122:21</p> <p>supplies [1] - 60:2</p> <p>surface [3] - 94:24, 128:25, 129:10</p> <p>surgery [9] - 47:2, 48:25, 49:2, 49:9, 49:13, 49:19, 49:25, 76:17, 76:19</p> <p>surgical [1] - 48:6</p> <p>surprise [1] - 105:4</p> <p>survey [2] - 9:4, 60:8</p> <p>surveys [1] - 9:5</p> <p>survivability [3] - 118:21, 118:22, 119:11</p> <p>survival [7] - 118:6, 118:12, 118:18, 119:4, 120:1, 120:3, 120:12</p> <p>sustained [8] - 5:23, 54:7, 73:16, 73:21, 102:15, 103:21, 138:6</p> <p>swollen [1] - 34:24</p> <p>SWORN/AFFIRMED [2] - 6:20, 80:3</p> <p>system [7] - 12:1, 12:2, 23:8, 84:24, 92:12, 92:16</p> <p>systems [3] - 11:25, 12:3, 92:22</p>	<p>T</p> <p>talks [1] - 90:16</p> <p>Taney [4] - 130:17, 130:18, 131:2</p> <p>Taney's [1] - 131:7</p> <p>tanker [2] - 8:15, 60:4</p> <p>tankers [3] - 8:25, 60:8, 66:15</p> <p>tape [1] - 112:23</p> <p>task [1] - 85:16</p> <p>tasked [1] - 123:19</p> <p>tasks [2] - 74:23, 75:1</p> <p>tax [2] - 57:3, 57:7</p> <p>teach [1] - 102:24</p> <p>technically [1] - 125:5</p> <p>technician [1] - 107:23</p> <p>temperature [2] - 73:7, 73:8</p> <p>ten [9] - 51:1, 57:23, 61:9, 76:8, 76:12, 76:13, 79:9, 79:12, 133:15</p> <p>ten-minute [1] - 57:23</p> <p>tender [1] - 83:17</p> <p>tendon [5] - 34:18, 34:20, 46:3, 46:4, 46:15</p> <p>tendonness [1] - 46:23</p> <p>Terminal [1] - 18:13</p> <p>terminology [1] - 46:23</p> <p>terms [2] - 52:2, 123:25</p> <p>terrorist [2] - 15:16, 15:17</p> <p>test [6] - 23:9, 25:25, 26:2, 29:5, 39:16, 41:23</p> <p>TESTIFIED [2] - 6:21, 80:3</p> <p>testified [9] - 58:18, 59:11, 62:21, 63:10, 67:1, 68:9, 95:15, 133:8, 136:21</p> <p>testify [3] - 103:11, 104:1, 133:8</p> <p>testifying [1] - 110:12</p> <p>testimony [15] - 85:11, 95:15, 97:5, 98:13, 103:18, 104:13, 104:23, 105:2, 105:7, 107:11, 111:23, 127:25, 128:1, 128:2, 132:23</p> <p>testing [3] - 25:23, 26:15, 68:5</p> <p>tests [2] - 8:20, 11:16</p>
--	--	---	--	---

<p>THE [244] - 1:1, 1:13, 5:4, 5:15, 6:16, 6:22, 6:23, 6:24, 9:11, 21:21, 21:23, 21:24, 21:25, 22:2, 22:3, 22:5, 22:9, 22:10, 22:12, 27:2, 27:5, 27:8, 27:10, 27:13, 27:16, 27:21, 27:23, 27:25, 28:4, 28:6, 28:11, 28:13, 28:16, 30:18, 30:20, 30:23, 30:24, 31:2, 31:3, 31:15, 31:18, 31:25, 32:2, 32:4, 32:5, 32:6, 34:1, 34:4, 34:10, 36:9, 36:11, 36:13, 36:17, 36:23, 36:25, 37:4, 37:6, 40:5, 40:7, 40:11, 40:13, 40:15, 41:10, 41:25, 42:2, 42:17, 43:2, 43:10, 43:12, 43:17, 43:19, 45:5, 45:7, 47:7, 47:12, 47:14, 47:16, 47:20, 47:22, 50:10, 51:20, 51:22, 52:4, 52:7, 52:9, 52:16, 52:19, 54:3, 54:7, 54:22, 57:11, 57:16, 57:20, 57:22, 57:23, 58:1, 58:3, 58:6, 59:2, 59:6, 69:1, 69:5, 69:7, 70:2, 70:10, 70:14, 72:6, 72:7, 72:10, 72:12, 72:15, 73:16, 73:21, 75:11, 75:13, 75:18, 75:22, 75:23, 75:25, 76:1, 76:3, 76:4, 76:7, 76:8, 76:11, 76:12, 76:14, 76:15, 76:18, 76:19, 76:21, 76:22, 77:1, 77:3, 77:4, 77:5, 77:8, 77:9, 77:10, 77:12, 77:14, 77:15, 77:17, 77:18, 77:19, 77:20, 77:22, 77:23, 77:24, 78:2, 78:5, 78:6, 78:7, 78:10, 78:11, 78:14, 78:16, 78:17, 78:18, 78:19, 78:20, 78:21, 78:22, 78:23, 78:24, 78:25, 79:1, 79:2, 79:3, 79:4, 79:7, 79:10, 79:12, 79:15, 79:18, 79:23, 79:25, 80:5, 80:6, 80:7, 80:8, 80:9, 80:10,</p>	<p>81:7, 83:12, 83:15, 83:19, 83:22, 83:24, 84:6, 87:11, 87:19, 88:3, 88:20, 88:22, 88:24, 97:9, 97:10, 97:11, 97:17, 98:12, 98:21, 99:18, 100:1, 102:15, 103:21, 104:10, 104:20, 105:3, 106:11, 106:13, 106:19, 106:22, 106:24, 106:25, 126:19, 126:20, 126:21, 127:1, 127:2, 127:3, 128:4, 128:5, 132:18, 132:19, 137:18, 138:6, 138:9, 138:11, 138:12, 138:13, 138:18, 138:24, 139:5, 139:12, 139:18, 139:20, 139:22, 139:25, 140:5, 140:7, 140:11, 140:14, 140:16</p> <p>themselves [1] - 119:16</p> <p>therapy [5] - 50:4, 50:6, 50:13, 50:15, 76:23</p> <p>thereabouts [1] - 106:4</p> <p>therefore [2] - 99:13, 124:23</p> <p>therein [1] - 5:21</p> <p>thereof [2] - 42:19, 81:22</p> <p>thereto [1] - 113:25</p> <p>they've [1] - 18:23</p> <p>thickness [1] - 95:21</p> <p>thin [1] - 85:15</p> <p>thinking [1] - 117:3</p> <p>thinks [1] - 103:8</p> <p>third [5] - 11:18, 25:24, 61:14, 62:14, 105:23</p> <p>Thomas [2] - 5:11, 107:3</p> <p>THOMAS [1] - 2:8</p> <p>thorough [1] - 5:20</p> <p>three [14] - 8:7, 10:14, 13:15, 34:7, 59:23, 67:7, 67:10, 77:25, 95:24, 96:2, 96:16, 105:12, 106:3</p> <p>three-month [1] - 67:10</p> <p>threshold [15] - 31:21,</p>	<p>59:15, 68:6, 68:10, 70:17, 70:23, 72:21, 75:20, 112:2, 112:7, 128:13, 129:19, 134:20, 136:5, 137:4</p> <p>thresholds [4] - 66:19, 66:22, 129:25, 131:24</p> <p>throbbing [1] - 77:12</p> <p>throughout [2] - 6:8, 61:7</p> <p>tie [1] - 54:5</p> <p>tight [2] - 89:24, 136:2</p> <p>title [2] - 65:1, 116:1</p> <p>today [13] - 11:2, 11:8, 68:9, 69:20, 69:22, 70:12, 77:5, 79:15, 104:14, 111:24, 132:23, 136:21, 139:23</p> <p>toed [3] - 63:25, 64:4, 64:6</p> <p>together [3] - 6:12, 13:18, 137:8</p> <p>tomorrow [1] - 139:25</p> <p>took [8] - 11:16, 35:6, 35:16, 44:18, 50:2, 62:23, 94:12, 94:18</p> <p>tool [1] - 13:9</p> <p>tools [7] - 13:5, 13:8, 13:9, 13:12, 21:16, 51:8, 53:7</p> <p>top [11] - 30:25, 36:18, 37:2, 65:1, 71:12, 72:16, 94:24, 96:17, 101:22, 135:17, 137:4</p> <p>torch [1] - 21:9</p> <p>torn [2] - 46:2, 46:15</p> <p>total [2] - 65:17, 94:23</p> <p>toward [1] - 30:25</p> <p>tracked [1] - 9:3</p> <p>trackers [1] - 60:8</p> <p>train [2] - 98:4, 122:25</p> <p>trainee [2] - 109:23, 110:2</p> <p>training [1] - 82:20</p> <p>transcript [2] - 1:22, 137:1</p> <p>transcription [1] - 1:23</p> <p>transferred [4] - 84:25, 124:25, 125:22, 125:25</p> <p>transiting [1] - 131:23</p> <p>treat [2] - 26:10, 37:24</p> <p>treated [1] - 48:22</p> <p>treating [1] - 138:16</p> <p>treatment [4] - 37:14, 41:6, 41:21, 44:6</p>	<p>Treaty [1] - 92:13</p> <p>trial [6] - 5:19, 5:24, 6:8, 6:12, 40:16, 139:22</p> <p>TRIAL [1] - 1:5</p> <p>triceps [7] - 32:18, 34:17, 46:2, 46:3, 46:14, 46:15, 49:16</p> <p>tried [1] - 126:9</p> <p>triggered [1] - 73:7</p> <p>Trina [2] - 2:15, 5:13</p> <p>trip [5] - 14:3, 31:7, 75:24, 104:6, 113:20</p> <p>tripped [18] - 32:11, 39:7, 55:9, 60:11, 69:12, 70:17, 73:24, 74:7, 94:20, 108:13, 111:8, 112:3, 123:13, 124:13, 134:19, 135:18, 136:16, 136:17</p> <p>tripping [5] - 72:24, 120:6, 128:17, 128:19, 133:9</p> <p>troops [2] - 60:2, 60:3</p> <p>true [1] - 73:2</p> <p>try [9] - 7:6, 24:14, 38:13, 42:21, 56:6, 77:24, 97:17, 98:23, 102:15</p> <p>trying [6] - 71:15, 87:17, 111:23, 115:9, 119:12, 120:13</p> <p>Tuesday [1] - 1:11</p> <p>turn [6] - 69:4, 69:9, 71:22, 82:3, 82:12, 99:7</p> <p>turned [1] - 99:11</p> <p>tutor [1] - 61:7</p> <p>twin [1] - 12:10</p> <p>two [32] - 10:10, 13:15, 13:17, 19:5, 19:13, 19:17, 28:10, 28:14, 28:21, 34:2, 36:13, 85:9, 85:10, 85:13, 86:4, 87:6, 87:8, 87:17, 88:17, 88:25, 96:6, 96:10, 98:17, 100:25, 103:7, 103:9, 105:15, 113:2, 113:6, 136:6, 139:10, 140:11</p> <p>Tylenol [1] - 77:21</p> <p>type [5] - 8:23, 12:21, 13:8, 49:24, 85:7</p> <p>typed [4] - 38:21, 39:4, 39:19</p> <p>types [1] - 119:13</p>	<p>typewritten [1] - 39:14</p> <p>typically [1] - 86:16</p> <p style="text-align: center;">U</p> <p>U.S. [18] - 8:1, 22:17, 41:1, 74:4, 84:25, 90:6, 91:20, 100:11, 101:13, 115:17, 121:23, 121:24, 122:3, 125:1, 125:2, 125:13, 139:11</p> <p>U.S.N.S. [1] - 124:22</p> <p>unable [1] - 14:21</p> <p>uncharged [1] - 53:10</p> <p>under [8] - 16:8, 48:15, 57:13, 68:19, 87:23, 92:12, 126:3, 138:7</p> <p>undergraduate [1] - 81:1</p> <p>underlying [2] - 104:12, 107:20</p> <p>underneath [1] - 95:22</p> <p>understood [1] - 70:13</p> <p>underway [2] - 122:18, 129:7</p> <p>unfit [1] - 49:5</p> <p>union [5] - 16:18, 16:20, 16:22, 17:5, 57:1</p> <p>Union [1] - 16:21</p> <p>UNITED [4] - 1:1, 1:6, 1:14, 2:7</p> <p>United [20] - 1:10, 5:2, 5:9, 5:12, 5:13, 5:14, 8:13, 9:21, 43:14, 51:25, 53:20, 53:24, 56:13, 59:9, 107:4, 115:19, 121:11, 124:22, 139:3, 139:9</p> <p>unless [1] - 67:13</p> <p>unlicensed [3] - 28:21, 62:10, 63:16</p> <p>unquote [1] - 87:18</p> <p>unwrapped [4] - 8:15, 8:25, 60:4</p> <p>up [65] - 7:6, 7:13, 9:7, 10:23, 11:11, 11:12, 11:15, 11:18, 12:7, 13:2, 14:6, 14:8, 14:16, 15:1, 18:10, 20:2, 21:3, 21:14, 21:25, 23:10, 24:14, 24:18, 25:24, 29:20, 29:22, 32:11, 32:18, 35:2, 35:7, 35:17, 38:13, 40:23, 41:15,</p>
---	---	---	--	---

42:5, 44:13, 46:6, 48:1, 48:21, 50:18, 50:19, 51:9, 51:17, 51:20, 53:17, 59:15, 63:22, 67:12, 71:13, 74:2, 77:10, 78:13, 80:25, 86:25, 91:5, 91:20, 92:4, 94:14, 94:17, 96:13, 96:15, 98:5, 123:17, 138:2, 138:22 urine [3] - 35:17, 35:19, 41:23 usable [2] - 102:2, 105:19 USDOJ [2] - 2:14, 2:15 uses [1] - 101:12 utility [1] - 10:17	126:12, 137:22 vicinage [1] - 5:17 vicinity [1] - 133:15 video [2] - 138:15, 138:24 videotape [1] - 79:17 videotaped [1] - 139:7 view [1] - 124:1 vis-à-vis [1] - 113:15 visible [1] - 101:6 vision [5] - 17:16, 136:13, 137:5, 137:9, 137:14 visit [2] - 131:19, 131:21 visits [1] - 131:17 visual [6] - 29:9, 104:22, 110:18, 110:21, 111:1, 136:4 vocational [1] - 140:1 voice [1] - 7:6 VOLUME [1] - 1:5	Webb [1] - 81:3 weekdays [1] - 67:15 weekend [1] - 67:14 weekends [1] - 67:12 weight [8] - 13:25, 14:3, 14:9, 50:17, 50:22, 51:10, 88:23, 105:9 welcome [3] - 5:15, 5:16, 80:8 well-defined [1] - 102:4 whereas [5] - 60:4, 89:4, 91:13, 118:14, 128:1 white [18] - 31:8, 31:11, 31:12, 32:11, 37:1, 55:24, 75:16, 75:21, 76:1, 87:23, 95:23, 96:2, 96:15, 101:22, 111:12, 134:25, 136:22, 137:3 whole [6] - 25:24, 29:20, 29:22, 30:6, 49:22, 52:15 wide [1] - 94:21 wiggle [1] - 140:12 Wilks [1] - 9:4 William [1] - 6:23 window [1] - 21:25 Winter [1] - 109:13 wiper [3] - 10:23, 11:16, 15:3 wish [1] - 138:13 withdraws [1] - 139:4 witness [17] - 6:17, 21:22, 39:9, 42:22, 43:8, 68:25, 79:5, 79:25, 83:25, 84:3, 84:7, 97:14, 98:15, 99:19, 102:10, 103:6, 104:24 WITNESS [48] - 6:23, 21:23, 21:25, 22:3, 22:9, 30:23, 31:2, 32:2, 32:5, 57:22, 72:15, 75:22, 75:25, 76:3, 76:7, 76:11, 76:14, 76:18, 76:21, 77:1, 77:4, 77:8, 77:10, 77:14, 77:17, 77:19, 77:22, 77:24, 78:5, 78:7, 78:11, 78:16, 78:18, 78:20, 78:22, 78:24, 79:1, 79:3, 80:6, 80:9, 83:22, 88:24, 97:10, 126:20, 127:2, 128:5, 132:19,	138:12 witness's [5] - 97:5, 98:14, 104:22, 105:1, 105:7 witnessed [1] - 34:13 witnesses [1] - 43:6 wood [1] - 78:13 word [7] - 31:1, 53:21, 54:1, 93:15, 128:15, 129:20, 133:1 words [5] - 96:5, 111:21, 128:13, 129:19, 135:7 works [2] - 19:4, 139:6 world [4] - 10:9, 103:5, 105:19 worldwide [2] - 82:22 worry [2] - 91:9, 91:10 worse [1] - 76:25 worth [2] - 88:23, 105:9 wow [1] - 124:19 wrench [1] - 13:23 wrenches [7] - 13:10, 13:13, 13:14, 13:16, 15:1 write [2] - 82:6, 98:4 writers [3] - 99:4, 99:6, 102:25 writing [1] - 102:24 written [5] - 108:3, 124:4, 124:5, 124:7 wrote [2] - 39:1, 82:19
V	W		Y
vacation [5] - 17:2, 17:3, 17:7, 17:8, 17:12 valid [2] - 10:1, 56:23 valve [1] - 13:23 valves [2] - 23:7, 35:5 Vanguard [1] - 9:2 varies [1] - 14:6 variety [1] - 73:5 various [7] - 10:4, 14:9, 53:6, 88:9, 88:15, 89:8, 89:9 version [2] - 125:24, 132:15 versions [1] - 132:16 vertical [5] - 53:17, 96:5, 96:11, 100:12, 135:2 vessel [26] - 8:13, 9:22, 10:5, 11:3, 11:12, 12:5, 14:11, 14:22, 15:15, 23:19, 29:11, 29:13, 41:13, 42:10, 92:3, 92:11, 98:17, 100:24, 103:25, 111:19, 116:7, 116:23, 124:5, 125:10, 130:3 vessels [29] - 10:15, 12:17, 12:18, 23:24, 28:10, 28:14, 32:25, 40:21, 60:4, 85:6, 88:9, 90:13, 97:8, 98:18, 102:19, 115:6, 115:8, 115:13, 116:16, 116:17, 124:6, 124:9, 124:10, 126:7, 126:10,	wait [4] - 34:4, 36:15, 118:11, 120:20 waived [1] - 6:14 walk [2] - 133:2 walked [5] - 70:18, 70:19, 70:21, 70:22, 72:15 walking [2] - 106:1, 132:3 wants [1] - 112:11 warm [2] - 21:14 warship [3] - 123:12, 129:1, 129:10 warships [2] - 122:1, 129:7 wash [1] - 91:5 washing [1] - 91:8 Washington [1] - 2:9 watch [5] - 12:23, 13:4, 109:12, 109:15, 110:11 water [3] - 26:1, 26:2, 26:4 waters [1] - 92:14 watertight [4] - 117:23, 118:15, 119:3, 121:22 waves [2] - 16:11, 91:5 wear [4] - 11:2, 11:4, 17:14, 63:25 wearing [1] - 17:20 weather [5] - 16:4, 91:1, 91:3, 91:4, 105:14	Webb [1] - 81:3 weekdays [1] - 67:15 weekend [1] - 67:14 weekends [1] - 67:12 weight [8] - 13:25, 14:3, 14:9, 50:17, 50:22, 51:10, 88:23, 105:9 welcome [3] - 5:15, 5:16, 80:8 well-defined [1] - 102:4 whereas [5] - 60:4, 89:4, 91:13, 118:14, 128:1 white [18] - 31:8, 31:11, 31:12, 32:11, 37:1, 55:24, 75:16, 75:21, 76:1, 87:23, 95:23, 96:2, 96:15, 101:22, 111:12, 134:25, 136:22, 137:3 whole [6] - 25:24, 29:20, 29:22, 30:6, 49:22, 52:15 wide [1] - 94:21 wiggle [1] - 140:12 Wilks [1] - 9:4 William [1] - 6:23 window [1] - 21:25 Winter [1] - 109:13 wiper [3] - 10:23, 11:16, 15:3 wish [1] - 138:13 withdraws [1] - 139:4 witness [17] - 6:17, 21:22, 39:9, 42:22, 43:8, 68:25, 79:5, 79:25, 83:25, 84:3, 84:7, 97:14, 98:15, 99:19, 102:10, 103:6, 104:24 WITNESS [48] - 6:23, 21:23, 21:25, 22:3, 22:9, 30:23, 31:2, 32:2, 32:5, 57:22, 72:15, 75:22, 75:25, 76:3, 76:7, 76:11, 76:14, 76:18, 76:21, 77:1, 77:4, 77:8, 77:10, 77:14, 77:17, 77:19, 77:22, 77:24, 78:5, 78:7, 78:11, 78:16, 78:18, 78:20, 78:22, 78:24, 79:1, 79:3, 80:6, 80:9, 83:22, 88:24, 97:10, 126:20, 127:2, 128:5, 132:19,	138:12 witness's [5] - 97:5, 98:14, 104:22, 105:1, 105:7 witnessed [1] - 34:13 witnesses [1] - 43:6 wood [1] - 78:13 word [7] - 31:1, 53:21, 54:1, 93:15, 128:15, 129:20, 133:1 words [5] - 96:5, 111:21, 128:13, 129:19, 135:7 works [2] - 19:4, 139:6 world [4] - 10:9, 103:5, 105:19 worldwide [2] - 82:22 worry [2] - 91:9, 91:10 worse [1] - 76:25 worth [2] - 88:23, 105:9 wow [1] - 124:19 wrench [1] - 13:23 wrenches [7] - 13:10, 13:13, 13:14, 13:16, 15:1 write [2] - 82:6, 98:4 writers [3] - 99:4, 99:6, 102:25 writing [1] - 102:24 written [5] - 108:3, 124:4, 124:5, 124:7 wrote [2] - 39:1, 82:19
			Z
			zero [1] - 132:6 zoom [1] - 128:10 zoom-in [1] - 128:10